

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. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means any living creature not human
3. "Animal Control Officer" means any animal control officer under contract with the City to maintain compliance with this chapter.
4. "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.
5. "Business" means any enterprise relating to any of the following:
 - a. The sale or offer for sale of goods or services
 - b. A recruitment for employment or membership in an organization
 - c. A solicitation to make an investment
 - d. An amusement or entertainment activity
6. "Dogs" shall mean animals of the canine species whether altered or not
7. "Fair" means any of the following:
 - a. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa
 - b. An exhibition of agricultural or manufactured products
 - c. An event for operation of amusement rides or devices or concession booths
8. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa
9. "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; including but not limited to:
 - i. Badgers, wolverines, weasels, skunk, and mink
 - ii. Raccoons
 - iii. Bats

- iv. Scorpions; gila monsters
- v. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
- vi. Wolves, coyotes, and foxes;
- vii. Bears
- viii. Monkeys, chimpanzees, and apes;
- ix. Alligators and crocodiles;
- x. Snakes that are venomous or constrictors

- b. Any animal declared to be dangerous by the City Council;
- c. Any dog which has attacked a human being or domestic animal one or more times, without provocation
- d. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

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.

- 10. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry
- 11. "Owner" shall mean any person owning, keeping, sheltering or harboring an animal (or allowing the keeping, sheltering or harboring of an animal on the premises of said person).
- 12. "Pet" means a living dog, cat or animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
- 13. "Vicious animal" means:
 - a. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
 - b. Any dog that snaps, attempts to bite a human being or domestic animal, or manifests a disposition to snap or bite:
 - c. Any dog that, unprovoked, chases or approaches anyone in a menacing fashion off the owner's property;

- d. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or
- 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, the county sheriff, a law enforcement agency of the State or the United States or a branch of the armed forces of the United States
- f. The Staffordshire Terrier breed of dogs;
- g. The American Pit Bull Terrier breed of dogs;
- h. The American Staffordshire Terrier breed of dogs;
- i. Dogs of mixed breed or of other breeds than above listed, which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
- j. Any dog which has the appearance characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

A dog shall not be deemed "vicious" if the threat or injury: (a) is caused by a person who is assaulting the dog's owner, committing a willful trespass or tort upon the owner's premises, or provoking, tormenting, or abusing the dog or can be shown to have done so repeatedly at other times, (b) is a response to pain or injury, or is to protect itself, its kennel, its offspring, or its owner's property, or (c) is inflicted by a dog owned by a law enforcement agency in the line of duty.

4-1-2 LICENSE.

1. Every owner of a dog or cat over the age of six (6) months shall procure a license from the City Clerk-Treasurer on or before January 31st of each year.
2. Such license may be procured after January 1 and at any time for a dog or cat which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after said date. In those cases where, by reason of residence outside the City, age, or ownership, the dog or cat is not subject to licensing on January 1 of any calendar year, the owner is required to purchase a license from the Clerk within thirty (30) days after the dog or cat becomes subject to the terms of this chapter. If the license is not purchased within thirty (30) days, the owner shall pay the same license fee in addition to the delinquency fee set out in Section 4.1.2. (7.)
3. The owner of a dog or cat for which a license is required shall apply to the City Clerk on forms provided by the City.

4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, the address where the animal is being kept, the address of the owner (if different), and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of the vaccine administered and the date the dog or cat shall be revaccinated.
5. All licenses shall expire on January 1 of the year following the date of issuance.
6. The annual license fee shall be \$10 per year for each spayed/neutered animal and \$22 per year for each unsprayed/neutered animal.
7. In addition to the City license fee, an owner who does not purchase a license before April 1 shall pay a delinquent fee of \$20 for each animal.
8. Upon payment of the license fee, and providing proof of a current vaccination against rabies, the Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog or cat. The City Clerk-Treasurer shall keep a duplicate of each license issued as a public record.
9. Upon issuance of the license, the City Clerk-Treasurer shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license is issued.
10. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.
11. It is a violation of this chapter for any owner to own or possess a dog or cat within the City without obtaining a license in compliance with this chapter. Any dog or cat found at large without a valid license from the City, or not wearing a valid rabies vaccination tag and for which no rabies vaccination certificate can be produced, shall be apprehended and impounded.
12. At the time of application for a City license, the owner shall furnish to the appropriate agent or employee of the City the following:
 - a. A certificate showing the animal has been vaccinated against rabies and vaccination has not expired.
 - b. A brief description of the animal, including name, age and predominant breed
 - c. A certificate or statement from a veterinarian state the animal is neutered or spayed and the date of the neutering or spaying if known/

13. A license tag issued for one dog or cat shall not be transferable, to another dog or cat. When the permanent ownership of a dog or cat is transferred, the Clerk shall, by notation on the license record, give the name and address of the new owner.

14. The owner of any dog or cat whose license has been lost or destroyed shall apply for a duplicate license. A fee of \$10 shall be charged for the issuance of a duplicate.

4-1-3 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. 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. Dogs not immunized or without a current rabies vaccination tag may be seized and impounded as proved in Section 4-1-6 of this chapter.

(Code of Iowa, Sec. 351.33)

4-1-4 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large within the corporate limits of the City. Any dog found at large shall be deemed to be so with the permission or at the sufferance of its owner. For allowing the dog to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined as follows:

- a. First offense: \$250.00
- b. Second offense \$500.00
- c. Third offense: \$1,000.00

In addition, the owner shall be responsible for the additional cost of prosecution, including attorney fees.

(Code of Iowa, Sec. 351.41)

4-1-5 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. Any dog owner who shall suffer or permit his dog to disturb the peace and quiet shall be guilty of a misdemeanor and shall be subject to a fine as follows:

- d. First offense: \$50.00
- e. Second offense \$100.00
- f. Third offense: \$250.00

In addition, the owner shall pay any fees associated with the impoundment of any dog under the provisions of this article.

(Code of Iowa, Sec. 657.1)

4-1-6 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder. Any vicious animal found to be in violation of this chapter a second time shall be removed from the City or destroyed by euthanasia.
2. Owners of such unlicensed or licensed dogs shall be notified in writing by the Animal Control Officer within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs may be disposed of as provided in Section 717B.4 Code of Iowa. Impounding Fees are as follows:

Forty dollars (\$40) plus eight (\$8) for keep such dog for each day or fraction thereof during which such dog has been impounded

3. Impounded unlicensed dogs may be recovered by the owner upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they may be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. 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)

5. Animals not reclaimed within the time limitations provided by this Chapter shall become the property of the City 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.

6. The impounding and disposition charge of proceedings may be imposed in addition to criminal sanctions of Section 4-1-4 herein.
7. A \$15.00 fee shall be charged for adoption of any animal from the Animal Shelter. The fee shall be waived only upon adoption of any animal by a certified non-profit organization. A \$50.00 “Unwanted Animal” fee shall be charge for any animal surrendered to the Animal Shelter.
8. 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)

4-1-7 UNLAWFUL KEEPING OF ANIMALS It shall be unlawful for any person or persons to harbor or keep the following types of animals within the City:

1. A vicious or dangerous animal as defined in Section 4-1-1. It is the duty of the Animal Control Officer to impound any vicious dog or dangerous animal. In the event the animal cannot be caught by the Animal Control Officer without exposing the officer to danger or personal injury, the animal may be destroyed.
2. Livestock, except by written consent of the Council or except in compliance with the City’s zoning regulations.
3. Bees, unless the same is specifically authorized under the City’s Zoning Ordinance as an agricultural or commercial use.

4-1-8 OWNER’S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bit or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspect to be suffering from rabies.

4-1-9 QUARANTINE OF ANIMALS. If the police department or a local board of health receives information that an animal has bitten a person or that an animal is suspected of having rabies, the Police Department or board shall order the owner to confine such animal for a period of ten (10) days at a veterinary clinic. If the owner fails to confine such animal in the manner directed, the animal shall be seized and humanely destroyed. All costs of quarantine and confinement shall be paid by the owner. A quarantined animal may only be recovered by the owner upon payment of all quarantine and confinement costs, upon meeting any licensing requirements, by having it immediately vaccinated. The section does not apply if a law enforcement service dog used by a law enforcement agency and acting in the performance of its duties has bitten a person.

4-1-10 FEMALE DOGS. It is unlawful for any owner to allow or permit a female dog that is in season to run at large or to so confine her as to attract male dogs to the area and by the presence

cause a nuisance. Any person violating provisions of this section shall be punished as provided in this chapter and the dog shall be subject to seizure and impoundment, at the expense of the owner during the remainder of the heat period.

4-1-11 ENABLING DOGS TO LEAVE PREMISES. It is unlawful for any person, except for the owner or agent, to open any door or gate of any private premises or vehicle, or to otherwise entice or enable a dog to leave any private premises or vehicle, for the purpose of or with the result of setting such dog at large.

4-1-12 NUMBER OF ANIMALS. It is unlawful, except for a licensed kennel or pet shop, veterinary hospital or animal grooming shop, for an owner to harbor or house on said owner's premises more than a combined total of three (3) dogs and cats over the age of six (6) months.

4-1-13 DISPOSITION OF DISEASED AND INJURED ANIMALS. If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such dog shall be disposed of and it shall be the duty of said veterinarian to notify the City of Shelby of any positive rabies case found, without delay.

4-1-14 DESTRUCTION OF ANIMALS AT LARGE. It is lawful for an Animal Control Officer, with assistance from the Police Department, to destroy, if necessary, any animal found at large which cannot be captured.

4-1-15 MANNER OF DESTRUCTION, GENERALLY. The Council shall authorize and approve the summary and humane manner and means by which dogs are destroyed as required in this chapter.

4-1-16 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, who shall provide the Animal Control Officer with a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City shall be destroyed.

4-1-17 ANIMAL WASTE. It is unlawful for any person who owns, houses, leads, walks, or otherwise maintains control of any animal or pet which defecates anywhere within the City limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic bag or other impermeable bag and sealing said bag by tying it securely using a "twist tie," tape or other similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels, or pens wherein any dog, cat, pet or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces. This section does not apply to an animal under the direct control of a person with disabilities, which animal is specially trained for the purpose of assisting such person.

4-1-18 REGISTRATION OF KENNELS. The owner of any kennel within the City limits shall be required to obtain a permit by registering said owner's name business address with the Clerk

and shall comply with all City ordinances and regulations. A kennel permit shall not be issued to an owner within an R-1, R-2, R-3, R-4 or R-5 Zoning district. A kennel, for this purpose, is defined as the business of keeping or raising four (4) or more animals solely for the bona fide purpose of sale and which animals are kept under constant restraint.

4-1-19 ANIMAL CARE. All owners of any animal shall comply with the following standards of care. Failure to comply with any standard shall be a violation of this section.

1. Every owner shall provide adequate food, shelter and water for each animal. To provide adequate food shall mean providing at intervals appropriate for the species a quantity of wholesome food stuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal.
2. Every owner shall provide adequate outdoor shelter for such animal when it is kept outdoors, which shall mean a structurally sound, weatherproof, properly ventilated shelter, which provides access to shade from direct sunlight and protection from exposure to weather conditions. The shelter should be appropriate for the particular species and breed.
3. Every owner shall provide adequate indoor shelter for such animal when it is kept indoors, which shall mean a properly ventilated and illuminated facility, sufficiently regulated by heating and cooling to protect the animal from extremes of temperature, and to provide for its health and comfort. It should be appropriate for the particular species and breed.
4. Every owner shall provide adequate sanitation which shall mean periodic cleaning or sanitizing housing facilities and any area where the animal is confined or restrained to remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors and disease hazards.
5. Every owner shall provide adequate space which shall mean primary enclosures and housing facilities shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. The space shall be appropriate for the particular species.
6. Every owner shall provide adequate veterinary care which shall mean that a sick, diseased, or injured animal shall be provided with a proper program of care by a veterinarian, or humanely euthanized. All animals shall be provided with proper immunizations and preventive health care including parasite control.
7. Every owner shall provide adequate water which shall mean reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner and secured so that the animal can't turn the container over. If potable water is not accessible to the animal

at all times, it shall be provided daily, for such duration and of sufficient quantity as appropriate for the species.

8. Every owner shall keep the animal cleaned and provide proper grooming as appropriate for the species.

4-1-20 LIMITED TYING OF ANIMALS. It is unlawful for a person to tie or leash any dog or other animal to inanimate objects such as trees, posts, stakes, fences, buildings, or any other object or structure at any time between 10:00 pm and 6:00 am. Any animal that is tied or leashed at other times must be tied or leashed so that it does not become entangled and is prevented from reaching within ten (10) feet of any property line.

4-1-21 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

4-1-22 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

4-1-23 ABANDONMENT OF ANIMALS. No person shall abandon any animal within the City limits. Abandonment shall include ceasing to provide control over, shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person.

(Code of Iowa, Sec. 7107B.8)

4-1-24 REGULATION OF HORSES. It is unlawful for any person to ride, lead, or drive a horse or horses upon any public sidewalk or upon any other portion of a public street right-of-way other than that portion thereof designated for use by vehicular traffic. Any person riding, leading or driving any horse within the City limits shall be subject to all applicable City ordinances, rules of the road and all regulations governing traffic upon the public street, avenues, alleys and other public places within the City. Furthermore, all persons riding, leading or driving any horses which defecate anywhere within the City limits, shall, without delay, remove the feces to a garbage or trash receptacle after first placing said feces in a plastic bag or other impermeable bag and sealing said bag by tying it securely using a "twist tie", tape, or similar device or shall otherwise dispose of the feces in a sanitary manner.

4-1-25 PET AWARDS PROHIBITED.

1. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - a. A prize for participating in a game.

- b. A prize for participating in a fair event.
 - c. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - d. An inducement or condition for executing a contract which includes provisions unrelated to ownership, care of disposition of the pet.
2. This section does not apply to any of the following:
- a. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

Youth programs associated with 4-H clubs; Future Farmers of America; the Izak Walton League of America or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsman's Federation.