

ANIMAL CONTROL

CHAPTER 18.

18-1. Definitions. For use in this Chapter, the following terms are defined:

- a. "Animal": shall mean all living creatures not human.
- b. "At Large": shall mean any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
- c. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.

18-2. Cruelty to Animals. No person shall impound or confine or cause to be impounded or confined, in any place, any domestic animal, or fowl, or any dog or cat and fail to supply such animal during confinement with a sufficient quantity of food and water, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently.

18-3. 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 shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

18-4. Injuries to Animals. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

18-5. Animals Running at Large. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city. Any such animal running at large may be captured by the City and confined for no less than five (5) days, and if not redeemed by the owner, said animal shall be humanely destroyed.

18-6. Damage or Interference. It shall be 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.

18-7. Annoyance or Disturbance. It shall be unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

18-8. Vicious Dogs. It shall be unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner. It shall be the duty of all peace officers within their jurisdiction to kill any dog deemed vicious under this section.

18-9. Penalty. Upon the first violation of 18-5 (Animals Running at Large), the owner shall be required to pay the costs of capturing the animal and the costs of confining the animal, and shall further be guilty of a simple misdemeanor, punishable by a maximum \$100.00 fine or 30 days in jail.

18-10. Confinement of Biting Animals. Any animal that bites a human or is suspected of having rabies shall be confined for 14 days (or so long as a veterinarian requires) under supervision of a licensed veterinarian.

18-11.(1) Dangerous Animals. (1) No person shall within City limits keep, shelter or harbor nor act as a temporary custodian for any of the following:

- 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, infliction serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
- b. Any non-domesticated member of the order carnivora which as an adult exceeds the weight of 20 pounds;
- c. The following animals which shall be deemed illegal per se:
 1. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats.
 2. Wolves, coyotes and foxes.
 3. Badgers, wolverines, weasels, skunk and mink.
 4. Raccoons.
 5. Bears.
 6. Monkeys and chimpanzees.
 7. Alligators and crocodiles.
 8. Scorpions.
 9. Snakes and reptiles that are venomous.
 10. Snakes that are constrictors of over 4 feet in length.
 11. Gila Monsters.
 12. Opossums.
 13. All apes, baboons and macaques.
 14. Piranhas and sharks.
 15. Pit bull Terriers.

(A) "Pit bull Terrier" means any dog of that breed known variously as American pit bull terrier, American Staffordshire terrier or pit bull terrier, or any dog of mixed breed which contains a strain of such breed known variously as American pit bull terrier, American Staffordshire terrier or pit bull terrier, which is identifiable as such by a qualified veterinarian duly

licensed in the State of Iowa.

(2) EXCEPTIONS. The prohibition contained in this Section 18-11 of this Code shall not apply to the keeping of animals in the following circumstances:

- a. The keeping of illegal 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.
- b. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- c. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
- d. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- e. Any illegal animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to chapters 109 or 109A of the Iowa Code.

(3) SEIZURE, IMPOUNDMENT AND DISPOSITION OF ILLEGAL ANIMALS

- a. In the event that an illegal 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 person or property, such animal may, in the discretion of the mayor, be destroyed if it cannot be confined or captured. The City of Elberon shall be under no duty to attempt the confinement or capture of an illegal animal found at large, nor shall it have a duty to notify the owner of such animals prior to its destruction.
- b. Upon the complaint of an individual that a person is keeping, sheltering, or harboring an illegal animal per se on premises in the City of Elberon, the mayor 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 an illegal animal per se in the city, the mayor shall immediately seize any such animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period the individual or entity keeping, sheltering, or harboring such illegal animal per se has not petitioned the Tama County District Court seeking return of such illegal animal per se, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this code to possess illegal animals, or destroy such animal in a humane manner.
- c. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal other than an illegal animal per se on premises in the City of Elberon, the Mayor 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 such an illegal animal in the city, the mayor shall order the person named in the complaint to safely remove such animal from the City of Elberon, permanently place the animal with the organization or group allowed under this code to possess illegal animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove illegal animal, which notice shall be given in writing to the person keeping, sheltering or harboring the illegal animal, and

shall be served personally or by certified mail. Such order and notice to remove illegal animal shall not be required where such illegal animal has previously caused serious physical harm or death to any person in which case the Mayor shall cause the animal to be immediately seized or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

- d. The order to remove an illegal animal other than an illegal animal per se issued by the mayor may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove illegal animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the mayor.
- e. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the mayor and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city council may affirm or reverse the order of the mayor. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.
- f. If the city council affirms the action of the mayor, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such illegal animal, remove such animal from the city, permanently place such animal with an organization or group allowed under this code to possess illegal animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the mayor is not appealed and is not complied with within three days or the order of the city council after appeal is not complied with, within three days of its issuance, the mayor or his or her designee is authorized to seize and impound said illegal animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the mayor or city council was issued has not petitioned the Tama County District Court for a review of said order, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this code to possess illegal animals, or destroy such animal in a humane manner. Failure to comply with an order of the mayor issued pursuant hereto and not appealed, or of the city council after appeal, shall constitute a misdemeanor.

18-12. Humane Disposal. Any animal destroyed under authority of this Code or the Code of Iowa shall be by any method permissible under the Code of the State of Iowa or administrative rules adopted in conformity with the Iowa Code.

18-13. Designation of Veterinarian and Confinement Site. The City Council shall designate a veterinarian and sites for confinement of animals by resolution.

18-14. Confinement and Capture. The cost of capture and confinement shall be fixed by Resolution of the City Council.

18-15. Release from Confinement. Animals can be released from confinement only by the Animal Control Officer or designee. The Animal Control Officer shall not release any animal until the following conditions are met:

- a. The costs of capture and confinement are paid to the City Clerk, and receipt is therefore presented to the Animal Control Officer or designee, and,
- b. The Animal Control Officer is provided with proof of licensing (if required by law) and rabies vaccination, and,
- c. The person the animal is released to is:
 1. Its owner, or,
 2. A qualified research facility, or,
 3. A person adopting the previously sterilized animal; and a statement of adoption has been completed in the following form:

Transferor: City of Elberon

Name and Address of the Adoptive Person:

Date of Transfer:

Description of the animal:

Statement of the shots and medications given to the animal or known to be previously given.

18-16. Capture Procedure. The Police Department shall take complaints from the public regarding violations of these animal control provisions. It shall be within the discretion of the officer on duty to contact the Animal Control Officer.

18-17. Animal Control Officer. The City Council shall appoint by resolution an Animal Control Officer who shall be responsible for the capture, confinement, release and other duties associated with animal control. The City Council shall by resolution direct where the animal shall be confined and whose custody and control they shall be. The Animal Control Officer may designate a person or persons to complete the terms required in this Chapter regarding the release from confinement.

18-18. Unhealthful or Unsanitary Conditions.

- a. An owner shall keep all structures, pens, coops, or yards wherein animals are confined are clean, devoid of vermin and free of odors arising from feces.
- b. An owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
- c. 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.
- d. An owner may, as an alternative to subsection (c) above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.