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STATE OF IOWA, JASPER COUNTY:
Pancy Parrott Recorder
By Shelina Carter Deputy

~~Suppl. Ord.~~ Amended **Ordinance #X-I** amends original filed March 14, 1995 in book 1046 pg 90
Animal Control and Welfare

#44A

Purpose.

This ordinance provides for the regulation of the keeping of any domesticated animals, the conditions for the impoundment of such animals, and providing of penalties. This ordinance provides not only for the regulation of household animals, but also the regulation of livestock and breeding animals and vicious and dangerous animals kept as pets.

Definitions.

As used in this ordinance or unless the context otherwise requires:

- 1 "Animal" means any non-human vertebrate. (702.3)
- 2 "Animal Control Officer"(ACO) means the individual(s) or agency appointed by the Board to enforce this ordinance.
3. "The Board" means the Jasper County animal control and welfare Board.
4. "Board of Supervisors" means the Jasper County Board of Supervisors.
- 5 "Owner" means any person, corporation, association, or other legal entity owning, keeping, maintaining, sheltering, or harboring an animal for more than 7 days.

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Chapter 1 Jasper County Animal Control and Welfare Board

100.1 Title

This chapter may be cited as the "Animal Control and Welfare Board".

100.2 The Board

The Jasper County Animal Control and Welfare Board shall consist of six members, all residents of Jasper County. The Board shall be made up of the following:

1. A veterinarian, licensed in the State of Iowa.
2. A person licensed in the State of Iowa as a kennel operator.
3. Two members who are commercial livestock producers.
4. A person approved by the local Humane Society.
5. A citizen-at-large of Jasper County

100.3 Appointment -- vacancies

All members of the Board shall be appointed by the Board of Supervisors and shall serve for a period of three years.

Vacancies due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists by appointment of the Board of Supervisors for the unexpired term of the original appointment.

100.4 Powers of the Board

The Board shall have the following powers:

1. Enforce the regulations established by the Board of Supervisors under this ordinance, titled "animal control and welfare".

2. Make and enforce such reasonable ordinances not inconsistent with state law as may be necessary for the protection and control of animals.

- a. Ordinances of the Board shall become effective upon approval by the board of supervisors and publication in a newspaper having general circulation in the county.

- b. However, before approving any ordinance, the Board shall hold a public hearing on the proposed ordinance. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed ordinance, shall be published as provided in section 331.305 in the area served by the Board.

The Board shall also make a reasonable effort to give notice of the hearing to the communications media located within the county.

3. Adopt such policies and procedures as may be necessary for the functioning of the Board.

4. Employ persons and/or contract with other agencies as necessary for the efficient discharge of its duties.

5. Establish services which may further the goals of this ordinance.

6. Hear all appeals and settle any disputes generated by this ordinance.

100.5 Penalties

Except where other penalties are provided under state law, any person who violates any provision of this ordinance or any lawful order of the Board, shall be guilty of a county infraction. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the Board shall constitute a separate offense. The fine for any such infraction of this ordinance shall be \$100.00. Notice of a second and subsequent infraction of the same rule shall be \$200.00.

100.6 Appeal

Anyone receiving an order or citation from an employee or authorized agent of the Board may appeal said order or citation to the Board. A notice of appeal must be filed in writing to the office of the Board within three working days of the order or citation. The hearing of such appeal shall be scheduled within seven days of receipt of the notice of appeal. After such hearing, the Board may affirm, modify or reverse the order or citation of the employee or authorized agent. The results of said appeal shall be delivered to the recipient of the order in writing within three days.

Chapter II Animal Control

101.1 Title

This chapter may be cited as "Animal control"

101.2 Definitions

1 "At Large" shall mean any animal off the property of the owner and not under control of the owner, keeper or other person acting for the owner.

2 "Control" shall mean when an animal is secured by a leash or lead, is confined in a fenced area, is restrained in a vehicle, or is obedient to a responsible person's commands within a reasonable distance of that person.

3 "Disturbance" shall be caused by any animal which is doing any of the following acts:

- a. Trespassing on or soiling public or private property not belonging to the animal's owner.
- b. Chasing, maiming or killing domestic animals, livestock or fowl.
- c. Damaging or destroying personal property.
- d. Prolonged or incessant vocal noises.
- e. Attacking, biting or attempting to attack or bite a person when they are conducting themselves lawfully.
- f. Molesting or chasing pedestrians or passing vehicles.
- g. Fighting with another domestic animal.

4 "Stray" shall mean any animal, the ownership of which cannot with reasonable investigation be ascertained or any animal which has been abandoned by its owner.

101.3 Prohibited acts

An owner shall not allow an animal to cause a disturbance.

It shall be unlawful for any person(s) to open any gates, bars, doors, fences, partition, humane trap, or any portion of a kennel or animal shelter with the intent to allow an animal to escape without having the right to do so.

No person shall interfere with, knowingly resist, or obstruct any Animal Control Officer in the performance of his/her lawful duty or authority of the office.

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog on public or private property; except, the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in Iowa Code Section 162.2. A person who violates this section is guilty of a simple misdemeanor as prescribed in Iowa Code Section 717.4.

All female dogs and cats known by the owner to be in heat shall be confined in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat that might impregnate

her. Exceptions: intentional breeding purposes, which cannot create a disturbance.

101.4 Vaccination of dogs

All dogs residing within the boundaries of Jasper County, incorporated and unincorporated areas, must be vaccinated against rabies in accordance with Chapter 351. of the Iowa Code and Chapter V of the Jasper County Board of Health Rules and Regulations.

101.5 Penalties

Animals that are strays or causing a disturbance are subject to impoundment at an Animal Shelter and will be held for up to seven (7) days for the owner to reclaim.

An animal against whom more than one complaint for causing a disturbance has been made shall be subject to restraint on the property of the owner by demand of the Animal Control Officer.

The owners of animals impounded by the Animal Control Officer shall be responsible for all incurred costs and fines upon claiming said animal, including impound and boarding fees.

The owner of an animal found in violation of this chapter and impounded are subject to a scheduled violation fee adopted by resolutions of the Jasper County Board of Supervisors.

In lieu of impoundment, citations may be issued. Violations are subject to a scheduled citation fee adopted by a resolution of the Jasper County Board of Supervisors. Animal owners cited more than two times within a calendar year are are guilty of a county infraction as defined in section 100.5 of this ordinance.

Chapter III Animal Welfare and Care

102.1 Title

This chapter may be cited as "Animal welfare and care".

102.2 Adoption by reference

As a part of this ordinance, Chapters 717 and 717B of the Code of Iowa , as amended by H.F. 637 (Iowa Acts, 1994), and as may hereinafter again be amended or intepretted by the Iowa Supreme Court or Court of Appeals in any published opinion, shall be and is hereby adopted by reference except that "local authority" as therein defined shall mean for all purposes of this ordinance to be the Jasper County Animal Control and Welfare Board.

Chapter IV Dangerous and Vicious Animals

103.0 Title

This chapter shall be cited as "Dangerous and vicious animals".

103.1 Definitions

1 "Dangerous Animal" shall mean:

a. any animal declared to be dangerous by the County Animal Control and Welfare Board pursuant to Section 103.7, below.

b. any animal 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, the following:

(1). All cats, except domestic cats (Carnivora of the family Felidea, including but not limited to lions, tigers, jaguars, leopards, cougars, lynx, cheetahs, bobcats, etc.)

(2). Wolves and coyotes including crosses of one half or more.

(3). Badgers, wolverines, weasels, and other Mustelas..

(4). Bears.

(5). All apes (including chimpanzees), baboons, and macaques.

(6). Monkeys, except squirrel monkey.

(7). Alligators and crocodiles.

(8). Black widow and brown recluse spiders and scorpions.

(9). Snakes which are venomous.

(10). Snakes which are constrictors and exceeding six (6) feet in length.

(11). Gila monsters, and lizards that are venomous or poisonous.

(12). Bats.

2 "Vicious Animal" means any animal that demonstrates a propensity without provocation to attack or bite human beings or domestic animals. Any animal which has bitten or attacked someone two times during any twelve-month period without provocation shall be considered vicious.

103.2 Keeping of dangerous animals prohibited

No person shall keep, shelter, or harbor for any purpose within the county a dangerous animal, except as provided in Section 103.3 of this chapter.

103.3 Dangerous animal exceptions

The prohibition contained in 103.2 of this chapter shall not apply to keeping of dangerous animals in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bonafide education or medical institution, museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study.

2. The keeping of dangerous animals for exhibition to the public by a bonafide traveling circus, carnival, exhibit, or show.

3. The keeping of dangerous animals in a bonafide, licensed veterinary hospital for treatment.

4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission. A receipt is needed to establish purchase.

5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapter 481A or 481B of the Iowa Code.

6. Animals possessed under authority of a State-issued game breeders permit (Section 481A.61, Iowa Code).

103.4 Regulations of keeping dangerous animals

Every person keeping, sheltering, or harboring a dangerous animal as permitted under 103.3 of this chapter shall at all times keep such animal securely confined within a cage or other enclosure.

No person owning, keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another except when such animal is being transported while caged or confined.

103.5 Seizure, impoundment, and disposition of dangerous animals.

In the event that a dangerous 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 life or property, such animal may be destroyed at the discretion of the ACO if it cannot be confined or captured. The county shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

Order to remove. In the event that the ACO determines that a dangerous animal is being kept, sheltered, or harbored by an individual or entity in violation of the provisions of this Chapter, the ACO shall order the owner to:

a permanently place the animal with a person, organization or government entity allowed under Section 103.3 of this Chapter to own, keep, shelter or harbor dangerous animals or,

b humanely destroy the animal.

Either option must be accomplished within seven (7) days of receipt of the order. Such order by the ACO shall be contained in a Notice to Remove the dangerous animal, and shall be personally served upon the owner.

Appeal. Any person desiring to appeal an order issued by the ACO pursuant to this chapter, may do so by filing a written notice of appeal with the Board within three (3) working days after the receipt of the Notice to Remove dangerous animal. The Notice of Appeal shall state the grounds for such appeal, and shall be delivered personally or by certified mail to the ACO. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the Board may affirm or reverse the order of the ACO.

If the Board affirms the action of the ACO, the Board shall also order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal shall have seven (7) days to comply with the original order of the ACO. 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 order is not complied with, the owner shall be guilty of a county infraction as defined in section 100.5 of this ordinance.

103.6 Keeping of vicious animals prohibited

No person or entity shall own, keep, shelter, or harbor for any reason, in Jasper County, Iowa, a vicious animal, as defined herein.

103.7 Seizure, impoundment, and disposition of vicious animals

The ACO, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal may, when said animal does not meet the criteria set out in Section 103.1, initiate proceedings to declare such animal a vicious animal. Said proceedings shall be conducted by the Board.

The owner of the animal in question shall be given not less than 48 hours written notice of the time and place of said hearing. Said notice shall set forth description of the animal in question, and the basis for the allegation of viciousness, and shall also indicate that if the animal is determined to be vicious, the owner will be required to destroy the animal in a humane manner or allow the Board to arrange the destruction. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.

If the animal meets the criteria set forth in 103.1 above, or if, after hearing, the Board determines that an animal is vicious, the Board shall order the owner of the animal to destroy the animal in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with in three (3) days of its issuance, the ACO is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order was issued had not petitioned the Jasper County District Court for a review of said order, the ACO or his/her designee shall cause the animal to be destroyed in a humane manner.

Any animal found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, which displays vicious tendencies shall be considered a dangerous animal per se and processed according to Section 103.5.

103.8 Penalty and costs

Failure to comply with an order of the Board issued in accordance with this chapter shall constitute a county infraction and be prosecuted in accordance with section 100.5 of this ordinance.

Costs incurred by the county for the care, maintenance, transportation and destruction of a dangerous or vicious animal owned, kept, sheltered, or harbored in violation of this chapter shall be reimbursed to the county by the owner. Any unpaid amount shall be submitted to the clerk of the Board of Supervisors who shall report the amount to the auditor and the county treasurer. The amount shall be placed upon the tax books, and collected after due, with interest and penalties, in the same manner as other unpaid property taxes.

Chapter V Severability and Variances**104.0 Title**

This chapter shall be cited as "Severability and variances".

104.1 Severability

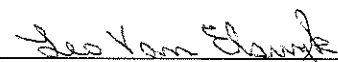
Each chapter, section paragraph, sentence, clause and provision of this ordinance is separate, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance or any part thereof other than the part affected by such decision.


104.2 Variances

Variances to this ordinance may be granted by the Board, provided sufficient and proposed alternative information is afforded to substantiate the need and propriety for such action. Variances shall be requested in writing and addressed to the Jasper County Animal Welfare and Control Board. All decisions regarding this topic shall be issued in writing to the requester.

Passed and approved this 11th day of April, 1995.




 Chairman, Leo Van Elswyk
 Jasper County Board of
 Supervisors


 Linda Gifford
 Jasper County Auditor