

# *Jasper County, Iowa*

## **Ordinance #66 Animal Control**

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### **1.01 POLICY**

Jasper County Animal Control will maintain licensure as a “pound” under the Bureau of Animal Industry in the Dept. of Agriculture and Land Stewardship. Animal Control will conduct activities that support chapter 717 and 717B of the Code of Iowa as it relates to offenses and injury to animals. This will be done in cooperation with local law enforcement. Fees may be charged to cover costs of disease prevention and custodial care.

### **1.02 DEFINITIONS**

For use in this chapter, the following terms or words are interpreted or defined:

1. “Animal” means domesticated dog or cat unless otherwise indicated in this section.
2. “Animal Control Officer” means a person designated by the county to perform such duties involving animal control and having police authority for the enforcement in this chapter.
3. “Animal Pound” means any premises, either designated or contracted for, by the county for the proper care of impounded animals held under the authority of this chapter.

4. "At Large" means any animal found off the premises of its owner and not under the control of a competent person. An animal shall not be deemed at large if such animal is:
  - A. Restrained within a motor vehicle.
  - B. In a fenced-in area.
  - C. Housed in a veterinary hospital or kennel.
  - D. On a leash (electronic or otherwise).
  - E. "At heel" beside a competent person and obedient to that person's command.
  
5. "Attack" means an act committed by an animal with the ability to execute such an act that either by threat of physical contact or actual physical contact causes fear, pain or injury to a human being or an animal so long as the latter has not first committed such an act on the offending animal.
  
6. "Cats" means both male and female animals of the feline species, whether altered or not.
  
7. "Control" is established when an animal is secured by a leash or lead, confined in a fenced-in area or vehicle, or obedient to a competent person's commands.
  
8. "County Agent" is the director of community development or designee.
  
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 animals and having known tendencies as a species to do so; (b) any animals declared to be dangerous by the Board of Supervisors upon reasonable notice to the owner thereof who shall be entitled to a hearing before the Board; and (c) the following animals which shall be deemed dangerous animals per se:
  - A. Wolves, coyotes, and foxes;
  - B. Badgers, wolverines, weasels, mink, and other Mustelids;
  - C. Bats;
  - D. Bears;
  - E. Gila monsters and lizards that are venomous or poisonous;
  - F. All apes (including chimpanzees), baboons, and macaques;
  - G. Monkeys, except the squirrel monkey;
  - H. Elephants;
  - I. Wild boar;
  - J. Black widow and brown recluse spiders and scorpions;
  - K. Snakes which are naturally venomous or poisonous;
  - L. Snakes which are constricting and exceeding six (6) feet in length;

- M.** All cats, except domestic cats (Carnivore of the family Felidae, including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, ocelots, bobcats, etc.);
- N.** Raccoons, opossums, and skunks;
- O.** Any animal that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct by acting in the following manner; **(a)** by biting a person or persons on two separate occasions within a twelve (12) month period; or **(b)** did bite a person once causing injuries above the shoulders of the person.

**10.** “Disturbance” means the act of trespassing, chasing, maiming or killing domestic livestock or fowl; damaging or killing domestic livestock or fowl; damaging or destroying personal property; biting or attempting to bite a person.

**11.** “Dogs” means both male and female animals of the canine species, whether altered or not.

**12.** “Livestock” means animals kept for use of pleasure, especially farm animals kept for use and profit including fowl.

**13.** “Owner” includes, in addition to its ordinary meaning, any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.

**14.** “Potentially dangerous dog” means any of the following:

- A.** Any dog which, when unprovoked, on two separate occasions within the prior 36 month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are on or off the property of the owner or keeper of the dog.
- B.** Any dog which, when unprovoked, inflicts injury upon a person less severe than as defined in Section 1.02(9).

**15.** “Proper enclosure” means any pen or kennel with sides attached to a secured top and a secured bottom, floor or foundation. In lieu of a top, a fence may be used that is at least six feet in height or six feet taller than any internal structure that the dog can jump from. In lieu of a bottom, a fence may be used that is imbedded into the ground at least two feet to prevent any digging under the fence.

**16.** “Provoked” means, but is not limited to:

- A.** Any willful trespass or other tort upon premises occupied by the owner or keeper of the dog.

- B.** Any act of teasing, tormenting, abusing, or assaulting or threat to act; being committed by a person or animal against a dog or the owner or keeper of the dog.
- 17.** “Severe injury” means any physical injury to a human being that results in muscle or tendon tears, joint injuries, disfiguring lacerations or requires multiple sutures.
- 18.** “Stray” means any animal unlawfully running at large, the ownership of which cannot with reasonable investigation be ascertained or any animal which has been abandoned by its owner.
- 19.** “Unincorporated Areas” means areas not within the confines of an incorporated city.
- 20.** “Vicious dog” means any of the following:
  - A.** Any dog, which, when unprovoked and in an aggressive manner, bites a human being above the waist (excluding the hands) or inflicts severe injury upon or kills a human being.
  - B.** Any dog previously determined to be potentially dangerous by Jasper County which, after its owner or keeper has been notified of the determination, described in Section 1.02 continues the behavior described or is maintained in violation of Section 1.08.

### **1.03 INTAKE/ RELEASE PROCEDURE**

- A.** Animals will be impounded by a county agent or the local law enforcement officer at their discretion if the animal poses a safety threat to the community.
- B.** Animals that are claimed by an owner must be shown to be current on their rabies vaccination before they can be released. No animal may leave the facility without a rabies certificate.
- C.** An “Animal Release Form” must be filled out for all animals held in the pound and held on file for one year as per State licensing requirements for a pound.
- D.** Animals that are known to be potentially dangerous, dangerous, vicious, or having a contagious disease may not be admitted into the pound’s custody.

### **1.04 UNCLAIMED ANIMALS**

- A.** Animals brought to the pound that have not been claimed after 7 days will be transferred to another animal rescue facility. All information known about the animal shall be disclosed to them by pound staff or local law enforcement.
- B.** Animals not claimed after 7 days will be given Distemper/Parvo, Bordetella, and Rabies vaccinations according to their age and health. If then reclaimed, the owner will be liable for all costs associated.
- C.** Animals deemed to be not adoptable due to health or temperament by a licensed veterinarian will be humanely euthanized by a licensed veterinarian.

## **1.05 RESPONSIBILITY OF OWNERS**

It shall be the responsibility of an owner of any animal, through the use of methods deemed reasonable and proper and in accordance with all other laws, to comply with the following conditions:

1. It is unlawful for an owner of any animal to permit such animal to pass upon the premises of another person, thereby causing damage to, or interference with, the premises.
2. It is unlawful for an owner of any animal to permit such animal to cause serious noise or disorder 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, or in any way posing a public hazard, a public nuisance, or a disturbance.
3. It shall be 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 bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the Board of Health, County Agent, or Local Law Enforcement the existence of any animal known or suspected to be suffering from rabies. (Code of Iowa, Sec. 351.38)

## **1.06 CONDITIONS FOR IMPOUNDMENT**

1. Any animal found at large that may pose a safety threat.
2. Any dog which is causing a disturbance is subject to seizure and impoundment.
3. Any vicious dog or dangerous animal believed to pose a risk or threat of harm to any person or animal may be seized and impounded.
4. Any animal against which two (2) or more complaints for running at large and causing a disturbance to have been made is subject to restraint on the property of the owner. This is to include all animals within the County.

## **1.07 CONFINEMENT**

When the Animal Control Officer or County Agent receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, the Animal Control Officer or County Agent shall order the owner to confine such animal in the manner provided herein for a minimum of ten (10) days.

- 1.** An animal must be quarantined by a licensed veterinarian or at a licensed pound at the owner's expense, if:
  - A.** The animal, over four (4) months of age, has no record of current rabies Vaccination. Unvaccinated animals cannot be vaccinated until the end of the quarantine period, at which time the animal must be vaccinated at the owner's expense.
  - B.** The events leading to the incident are such that rabies is suspected.
  - C.** There was no due cause for the incident, or the animal has suspicious recent history. This will be utilized even if the animal has a record of being currently vaccinated for rabies.
- 2.** Home quarantine may be permissible if:
  - A.** Conditions listed in Subsection 1.07 (1) are not applicable and the owner can provide proper confinement of the animal, complete with the posting of a sign in a conspicuous place, warning of possible rabies infection. Confinement will be done by the penning of the animal so that there is a metal barrier as to prevent the intimate approach of any other animal or person.
  - B.** The owner of the animal shall sign an agreement to adhere to the rules of confinement for the designated length of time, and also agrees to notify the County immediately if the animal sickens, dies, or escapes.
  - C.** The animal must be examined by a licensed veterinarian at the end of the quarantine period, and revaccinated if the bite occurred within two months of the expiration date of the current vaccination. The quarantine period shall be ten (10) days for all animals. With the approval of a licensed veterinarian, said animal may be euthanized and the brain sent for examination at the owner's expense, if it is not practical to confine the animal for reasons of health and safety. If the owner fails to confine such animal in the manner directed, and animal shall be apprehended and impounded and after ten (10) days the animal will be euthanized. If such animal is returned to its owner, the owner shall pay the cost of impoundment and any other costs associated with the care of the animal.

## **1.08 KEEPING OF POTENTIALLY DANGEROUS DOGS**

A potentially dangerous dog shall at all times be kept confined within a residence or in a secured proper enclosure. The enclosure shall be locked with a key or combination lock to prevent the entry of children. When off the premises, the dog must be kept on a

substantial leash of no more than six feet in length and under the control of a responsible adult. If there are no additional instances of the behavior described in Section 1.02 within a 36-month period from the date of designation as a potentially dangerous dog, the dog may be removed from the list of potentially dangerous dogs.

### **1.09 RIGHT TO KILL**

The County reserves the right to euthanize any animal not under observation for rabies or under rabies quarantine for which no reasonable veterinary care would prove to be practical to sustain said animal, when said animal is afflicted with a contagious disease which would endanger the welfare of the other animals in the shelter, or any dog declared as vicious by Jasper County.

### **1.10 KEEPING OF VICIOUS DOGS AND DANGEROUS ANIMALS PROHIBITED**

No person shall keep, shelter or harbor any animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the County except as provided in Section 1.11 of this chapter. No dog declared as vicious shall be allowed to be taken out of or brought into Jasper County.

### **1.11 VICIOUS DOGS AND DANGEROUS ANIMAL EXCEPTIONS.**

The prohibition contained in Section 1.10 of this chapter shall not apply to the keeping of illegal animals in the following circumstances:

1. 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.
2. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
5. Dogs while utilized by any law enforcement officer in the performance of enforcement work.

## **1.12 ABATEMENT PROCEDURES PERTAINING TO VICIOUS DOGS AND DANGEROUS ANIMALS**

If the County Agent has a reasonable suspicion that a dog is vicious, or a dangerous animal is in violation of this chapter, the County Agent shall conduct or cause to be conducted an investigation. In the event that the County Agent has probable cause to believe that a dog is vicious, or a dangerous animal is in violation of this chapter, the County Agent shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious or the dangerous animal is in violation and constitutes a hazard.

If a hearing is to be convened, the County Agent shall notify the owner or keeper of the vicious dog or dangerous animal that a hearing will be held at which said owner or keeper may have the opportunity to present evidence why the dog or dangerous animal shall not be declared a hazard.

The hearing shall be held promptly within no less than five (5) days or more than ten (10) days after the service of notice upon the owner or keeper of the dog or dangerous animal. The hearing shall be informal and shall be open to the public.

The hearing shall be overseen by a three (3) person committee. Members of the committee shall have two-year appointments and the committee shall consist of one member being an employee from the Jasper County's Sheriff's Office, one member being a licensed veterinarian, and one member being a Jasper County resident.

After the hearing, the owner or keeper of the dog or alleged dangerous animal shall be notified in writing of the determination. If a determination is made that the dog is vicious or the dangerous animal is a hazard; the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the County Agent, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog or dangerous animal contests the determination, he or she may bring a petition in the district court within the judicial district wherein the dog or dangerous animal is kept, praying that the court conduct its own hearing on whether or not the dog be declared vicious or the dangerous animal be found to be in violation and a threat to the public safety. After service of notice upon the County Agent, the court shall conduct a hearing anew and make its determination as to alleged viciousness or hazard. The issue shall be decided upon the preponderance of the evidence.

If the court rules the dog to be vicious, or the dangerous animal to be a threat to the public safety, the court may establish a time schedule to ensure compliance with this chapter. The court may decide all issues for or against the owner or keeper of the dog or dangerous animal regardless of the fact that said owner or keeper fails to appear at said hearing. The determination of the district court shall be final and conclusive upon all parties thereto.

However, the County Agent shall have the right to declare a dog vicious or an animal dangerous for any subsequent actions of the dog or animal. In the event that the County Agent has probable cause to believe that the dog in question is vicious or the animal is dangerous, and poses a threat of serious harm to human beings or domestic animals, the County Agent may seize and impound the dog or dangerous animal pending the aforesaid hearings. The owner or keeper of the dog or dangerous animal shall be liable to the County when the dog or dangerous animal is impounded for costs and expenses of keeping such dog or dangerous animal.

### **1.13 ANIMAL WELFARE AND CARE**

All animals shall be maintained with a “minimum level of care.” This shall mean the care sufficient to reasonably preserve the physical health and condition of the animal(s), and except for emergencies or circumstances beyond the reasonable control of the owner includes but is not limited to the following requirements:

1. A quantity of wholesome feed suitable for the animal’s species and age, sufficient to maintain reasonable levels of nutrition, at intervals or not more than twenty- four (24) hours or longer if the dietary requirements of the animal require.
2. Reasonable access to a supply of clean, fresh water provided for drinking in amounts and at intervals suitable for the species, not to exceed twenty-four (24) hours at any interval.
3. If the animal is a pet, adequate access to a shelter sufficient to ensure that the pet does not suffer unreasonable distress due to natural elements, including but not limited to wind, rain, snow, sun, cold, heat, or dampness.
4. If the animal is livestock, adequate access to a natural or constructed barrier sufficient to offer reasonable protection against temperature extremes, wind, rain, or snow.
5. If the animal is restricted in a confinement area for an extended period, the area shall be kept reasonably clean and free from contaminates, including animal waste, which may threaten the health of the animal.
6. Veterinary or farrier care, if a reasonably prudent person would advise such care to relieve distress from injury, disease or neglect.
7. If the animal is a pet, a confinement area with adequate space for the exercise necessary to preserve the health of the animal and which provides a dry area for the animal to rest. The air temperature or ventilation in the confinement area shall be suitable to preserve the health of a normal animal of the same species.
8. If an animal is fastened by a leash, including a rope or chain, which restricts the movement of the animal, a leash shall be attached to the animal by a well-fitting collar

or harness that is fastened to the animal in a manner designed to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food or water.

#### **1.14 ANIMAL WELFARE COMPLAINTS**

- A.** If a complaint is received about an animal's welfare or a neglect situation, the ACO will investigate following the Iowa Code Chapter 717 and 717B for guidance.
- B.** Following a complaint, the ACO will fill out a complaint form, documenting the caller contact information if available, and all steps taken to investigate and/or remediate the situation. The owner of the property and/or animal(s) of concern will then be contacted to ask permissions to check on the welfare and condition of the animal(s). If given permission the ACO will observe the living conditions and requirements of the law for the species of concern.
- C.** If permission to investigate is denied by the owner, law enforcement will be contacted for procedure to gain admittance to investigate. If necessary, a search warrant may be requested by law enforcement from the county attorney. Further investigations from a search warrant will be done according to law and Chapter 717 and Chapter 717B.

#### **1.15 FEES**

The Jasper County Board of Supervisors will establish fees to be collected by Jasper County Animal Control for services necessary for carrying out provisions of this article.

#### **1.16 SEVERABILITY**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjunction shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

#### **1.17 EFFECTIVE DATE**

This ordinance shall be in effect after its final passage, approval and publication as provided by law. All previous animal ordinances are considered null and void.