

TITLE V NUISANCES AND ANIMAL CONTROL

CHAPTER 4 - Animal Protection and Control

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5-4-1 DEFINITIONS

The following terms are defined for use in this chapter.

ANIMAL Means a living creature not human - a nonhuman vertebrate

AT-LARGE Means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel

DANGEROUS ANIMAL A. Means any animal, including dog, except for an illegal animal per se, as defined herein, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past including such that said animal (a) has bitten or clawed a person or persons on two (2) separate occasions within a twelve (12) month period; or (b) did bite or law once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on two (2) separate occasions within a twelve (12) month period.

B. Dangerous Animal Exception: The keeping of a dangerous animals shall not be prohibited in the following circumstance: 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 instructions, research or study, and has obtained the written approval of the City Council.

DOG Means and includes both male and female animals of the canine species

5-4-1 DEFINITIONS Continued...

- ILLEGAL ANIMAL** Means 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 species to do so
- Any of the following animals, which shall be deemed to be illegal animals, per se:
- A. Lions, Tigers, Jaguars, Leopards, Cougars, Lynx & Bobcats
 - B. Wolves, Coyotes, Foxes
 - C. Badgers, Wolverines, Weasels, Skunk & Mink
 - D. Raccoons
 - E. Bears
 - F. Monkey, Chimpanzees, Apes, Baboons, and Macaques
 - G. Bats
 - H. Alligators, Crocodiles, and Caimans
 - I. Scorpions, Gila Monster
 - J. Snakes, Reptiles - which are Venomous or Constrictors, &/or Over Six (6) Feet in Length
 - K. Opossums
 - L. Piranhas
 - M. Pot-Bellied Pigs
- 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
(Code of Iowa, Sec. 170.1)
- OFFENDING ANIMAL** Means a "vicious dog," an "illegal animal," or a "dangerous animal" as defined herein
- OWNER** Means 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
- PET** Means a living dog, cat or an 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
- VICIOUS DOG** Means:
- A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
 - B. 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;
 - C. Any dog that snaps, bites or manifests a disposition to snap or bite;
 - D. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes

5-4-1 DEFINITIONS CONTINUED Continued...

VICIOUS DOG

E. Any dog trained to attack human beings, upon command or spontaneously in human activities, except dogs owned by and under the control of the Police Department, a law enforcement agency of the State or the United States or a branch of the armed forces of the United States

G. Any dog declared to be dangerous by the Council.

5-4-2 ABANDONMENT OF CATS AND DOGS

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, 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.

5-4-3 LIVESTOCK

It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

5-4-4 AT-LARGE PROHIBITED

It is unlawful for any owner to allow an animal to run at-large within the corporate limits of the City.

5-4-5 DAMAGE OR INTERFERENCE

It is 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. This includes but is not limited to animals urinating and defecating upon another person's property.

5-4-6 ANNOYANCE OR DISTURBANCE

It is 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.

5-4-7 CRUELTY TO ANIMALS / ANIMAL NEGLECT / LIVESTOCK NEGLECT

No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of every person owing a dog to confine and restrain such dog by good and sufficient means, or to cause such dog to be properly leashed as to prevent such dog from biting any person or animal or from running at-large.

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 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.

5-4-7 CRUELTY TO ANIMALS Continued...

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 means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

5-4-8 VICIOUS DOG PERMITS & CONFINEMENT

It is unlawful for any person to harbor or keep a vicious dog within the City without first obtaining a vicious dog permit in accordance with the following:

- A. Application** The application for a vicious dog permit must include the following:
1. Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount \$100,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in event of underlying policy of insurance is canceled for any reason.
 2. The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.
- B. Photos** The application must be presented to the Police Chief with two (2) color photos of the dog.
- C. Notification of Changes** The owner of the vicious dog shall be required to notify the City within 24 hours of any transfer of ownership of the dog, the dog's escape or death, any change of address by the owner, or birth of offspring to the dog.
- D.** All vicious dogs shall be secured confined within an occupied house or residence or in a secured enclosed and locked pen or kennel, except when leashed and muzzled as provided below. Such pen, kennel or structure must have secure sides and secure top attached to the sides or in lieu of a top, walls at least six (6) feet in height and at least six (6) feet taller than any internal structure. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. All pens must have a sign with a minimum two (2) inch lettering saying "Beware of Vicious Dog".

The Police Chief is empowered to inspect such pens at least once per year. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own violation. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside the kennel or pen unless both dog and leash are under the actual physical control of a person eighteen (18) years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, building, or any other object or structure. Violation of this section is a misdemeanor.

5-4-9 VICIOUS DOG AT-LARGE

A vicious dog which is found not to be confined as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

5-4-10 RABIES VACCINATION

Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six (6) months of age or over, which has not been vaccinated against rabies. A current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animal's collar or harness.

5-4-11 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 bite 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 suspected to be suffering from rabies.

(Code of Iowa, Sec. 351-38)

5-4-12 CONFINEMENT

When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two (2) weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

5-4-13 DISPOSAL OF INFECTED OR TOXIC ANIMAL

If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such animal shall be disposed of and it shall be the duty of said veterinarian to notify the City Chief of Police of any positive rabies cause found, without delay. All related veterinarian fees shall be the responsibility of the owner.

5-4-14 FEMALE DOGS

It shall be 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 their 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.

5-4-15 DOGS RUNNING AT-LARGE

The owner of a dog shall at all times restrain such dog from being or running at-large within the corporate limits of the City. All pets must be adequately restrained or confined to prevent the pet from accessing public right of ways (sidewalks & streets) without direct supervision by the owner. Adequate forms of restraint may include leashes, chains, above ground fencing, or underground fencing. Failure to do so shall constitute a simple misdemeanor subject to the following City of Woodbine Fines, payable to the City Clerk.

1. Dogs At-Large

- A. First Offense.....\$100.00 Fine
- B. Second Offense.....\$200.00 Fine
- C. Third Offense.....\$300.00 Fine
- D. Fourth and subsequent offenses shall be fined the sum of \$500.00 or imprisonment not to exceed thirty (30) days.

2. Vicious Dogs At-Large

- A. First Offense.....\$200.00 Fine
- B. Second Offense.....\$300.00 Fine
- C. Third Offense.....\$400.00 Fine
- D. Fourth and subsequent offenses shall be fined the sum of \$500.00 or imprisonment not to exceed thirty (30) days.

Animals found at-large in violation of this Chapter shall be seized and impounded at the Harrison County Humane Society Shelter (HCHSS), 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. All fines and/or any related costs incurred by the City or the HCHSS during impounding shall be paid prior to release of said animal.

5-4-16 IMPOUNDING AND DISPOSITION

- A. Any unlicensed dog found at large or any licensed dog found at large in violation of this chapter shall be seized and impounded at the Harrison County Humane Society Shelter.
- B. The owner of such unlicensed or licensed dog shall be notified that the dog has been impounded. Such owner may repossess such dog upon payment to the Clerk of the sum of twenty five dollars (\$25.00) as an impounding fee for the first offense, plus an additional fee of ten dollars (\$10.00) for keeping such dog for each day or fraction thereof during which such dog has been impounded; fifty dollars (\$50.00) as an impounding fee for the second offense on the same dog, plus an additional fee of ten dollars (\$10.00) for keeping such a dog for each day thereafter; and seventy-five dollars (\$75.00) as an impounding fee for the third and each successive offense thereafter on the same dog, plus an additional fee of ten dollars (\$10.00) for keeping such dog for each day thereafter.
- C. Impounded unlicensed dogs may be recovered by the owner upon proper identification and by compliance with the provisions of this Chapter.
- D. When any dog has been apprehended and impounded, the official shall give written notice in not less than two (2) days to the owner, if known. When impounded dogs are not reclaimed by their owners within seven (7) days of the date of notice, they may be humanely disposed of in accordance with the law.

5-4-16 IMPOUNDING AND DISPOSITION Continued...

E. These impounding and disposition charges and proceedings may be imposed in addition to the criminal sanctions of 5-4-15 herein.

F. These monetary charges are separate from any monetary fees and charges from the Harrison County Humane Society and must be paid to the City Clerk before release of the dog. At time of payment, a receipt will be given to the owner/caretaker of said dog(s) to be taken to the Harrison County Human Society.

5-4-17 DISPOSITION OF ANIMALS

When an animal has been apprehended and impounded, written notice shall be given in not less than two (2) days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within seven (7) days of the date of notice, or if the owner cannot be located within seven (7) days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37,351.41)

5-4-18 DOG/CAT LICENSING REQUIRED

A. Annual License Required Every owner of a dog/cat over the age of six (6) months shall procure a dog/cat license from City Hall &/or the Police Department on or before January 31st on each year, said license shall expire on December 31st. Every person registering a dog/cat must be of a legal age at the time of registration. Such license may be procured at any time for a dog/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. All licenses shall expire the last day of December.

The ownership of more than four (4) mature animals (older than six (6) months or more than ten (10) young animals (birth to six (6) months) requires a commercial animal establishment or animal shelter license. If a household has four (4) animals (of the same species) older than six (6) months, each one must be spayed or neutered. No license shall be issued to a commercial animal establishment or animal shelter within a residential district unless a zoning variances has been obtained specifically therefor. (See 5-4-22)

B. License Fee The annual license fee shall be five dollars (\$5.00) for each dog/cat. A penalty of ten dollars (\$10.00) shall be assessed for failure to pay the license fee when due. Impounded animal will not be released to owner until license is purchased and all fines and fees are received.

C. Vaccination Required Before a license is issued, the owner must present to the Police Department &/or City Clerk, a certificate from and signed by a licensed veterinarian showing that the dog for which the license is sought has been vaccinated against rabies with an injection of anti-rabies vaccine approved by the State of Department of Agriculture, and that the vaccination does not expire within six (6) months after the effective date of the dog license. Such vaccine shall be administered by a licensed veterinarian. Such veterinarian shall thereupon issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog. This collar and tag shall at all times be kept on such dog. Such veterinarian shall issue a tag with the number thereon and the certificate of vaccination shall designate the tag number. Each rabies vaccination certificate issued by such veterinarian must be an official rabies vaccination certificate approved by the State of Department of Agriculture.

5-4-18 DOG/CAT LICENSING REQUIRED Continued...

D. Insurance Required Before a license is issued, the owner must present to the Police Department &/or City Clerk, a copy of his/her homeowner's or renter's insurance policy that does not expire within the calendar year. If an additional policy has been purchased, a copy of that policy should be placed in the file, too.

E. City Hall to Issue License Upon payment of the license fee, the City Hall shall issue to the owner a license which shall contain the name of the owner, place of residence and a description of the dog/cat. The City Hall shall keep a duplicate of each license issue as a public record. Upon the issuance of the license, the City Hall shall deliver to the owner a metal tag stamped with the number of the license and 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 for which the license is issued. Any dog found running at-large without the license tag attached to its collar or harness shall be deemed unlicensed.

F. License & Valid Tag Required It is a violation of this chapter for any owner to own or possess a dog/cat within the City without obtaining a license in compliance with this chapter. Any dog/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.

G. Tag Not Transferable A license tag issued for one dog/cat shall not be transferable to another dog/cat. When the permanent ownership of a dog/cat is transferred, the City Hall shall, by notation on the license record, give the name and address of the new owner.

H. Duplicate Tag Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of one dollar (\$1.00) and the City Hall shall enter in the license record the new number assigned.

5-4-19 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF VICIOUS DOGS, ILLEGAL ANIMALS AND DANGEROUS ANIMALS

A. The Police Chief or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious dog, "illegal animal", or "dangerous animal" as defined herein, may initiate proceedings to declare said animal an "offending animal". If the owner contests said designation, a hearing on the matter shall be conducted by the City Administrator or designee. The person owning, keeping, sheltering or harboring the offending animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the offending animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the offending animal is determined to be vicious, illegal, or dangerous, the owner may be required to obtain a vicious dog permit, confine the animal or dispose of the animal as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if not adult is present to accept service.

5-4-19 SEIZURE, IMPOUNDMENT AND DISPOSITION Continued...

B. If, after hearing, the City Administrator or designee determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the City Administrator or designee shall order the person owning, sheltering or harboring or keeping the animal to obtain a vicious dog permit and confine the animal as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as notice of hearing. If the order is not complied with within three (3) days of its issuance, the City Administrator or designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. IF at the end of the impoundment period, the person against whom the order of the City Administrator or designee was issued has not appealed such order to the Council, or has not complied with the order, the City Administrator or designee shall cause the animal to be destroyed.

C. The order to obtain the required permit, confine or remove an offending animal from the City issued by the City Administrator or designee may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk, within three (3) days, after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Administrator or designee.

D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the City Administrator or designee. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after hearing or any continued session thereof. The hearing shall be confined to the record made before the City Administrator or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken.

E. If the Council affirms the action of the City Administrator or designee, the Council shall order in its written decision that the person sheltering, harboring, or keeping such offending animal, shall obtain a vicious dog permit and confine said dog as required by this chapter or remove the offending animal from the City. The decision and order shall remove the offending animal from the City. The decisions and order shall immediately be served upon the person against who rendered in the same manner as the notice set out in subsection one (1) of this section. If the original order of the City Administrator or designee is not appealed and is not complied within three (3) days or the order of the Council after appeal is not complied within three (3) days of issuance, the Police Chief or designee is authorized to seize and impound said offending animal. A dog 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 decision and order of the City Administrator or designee or the Council was issued has not petitioned the Harrison County District Court for a review of said order, or has not complied with the order, the City Administrator or designee shall cause the dog to be destroyed in a humane manner.

F. Failure to comply with an order of the City Administrator or designee issued pursuant hereto and not appealed or of the Council after appeal, is a misdemeanor.

G. Any animal which is alleged to be an offending animal and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious or the animal is found to be an offending animal. If the dog is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

5-4-20 KEEPING A DANGEROUS ANIMAL

It shall be unlawful for any person or persons to harbor or keep a dangerous animal within the City. See definition of a "dangerous" animal - (Sec. 5-4-1[5]).

5-4-21 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 Police Chief 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.

5-4-22 REGISTRATION OF KENNELS

A. License Required No person shall operate a commercial animal establishment or animal shelter within the City without first obtaining a license therefore in accordance with the provisions of this section. The ownership of more than four (4) mature animals (older than six (6) months) or more than ten (10) young animals (birth to six (6) months) requires a license number.

B. License Restriction No license shall be issued to a commercial animal establishment or animal shelter located in a residential district unless a zoning variance has been obtained specifically thereof.

C. Regulations The Council may promulgate regulations for the issuance of licenses and shall include requirements for human care of all animals and for compliance with the provisions of this section and other applicable laws. The Council may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

D. Issuance of License When a license applicant has shown a willingness and ability to comply with the regulations promulgated by the Council, a license shall be issued upon payment of the applicable fee. The license period shall begin with the issuance of the license and run for one (1) year. Renewal applications for licenses may be made thirty (30) days prior to and up to thirty (30) days after the license expiration.

