

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

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4-1-1 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinances pertaining to Animal Protection and Control:

1. "Animal" means all living creatures not human.
2. "At Large" means 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.
3. "Owner" means any person owning, keeping, or sheltering or harboring an animal.
(Code of Iowa, Sec. 351.2)
4. "Licensed Dog" means any dog bearing a currently valid license.
5. "Allow or Permit" means with or without consent or knowledge.

6. "Police Chief" means the legally designated chief of the Police Department or a designated representative who is the City employee designated by the City Mayor to administer the animal control function.

7. "Cat" means and includes both male and female animals of the domesticated feline species.

8. "Dog" means and includes both male and female animals of the canine species.

9. "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 to 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;

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, a law enforcement agency of the State or United States or a branch of the armed forces of the United States;

F. Staffordshire Terrier breed of dogs;

G. American Pit Bull Terrier breed of dogs;

H. 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 and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

10. "Illegal 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;

- B. Any animals declared to be illegal by the City Mayor or designee;
- C. Any undomesticated member of the order carnivora which as an adult exceeds the weight of 20 pounds;
- D. Any agricultural non-domestic animals and exotic animals.
- E. Any of the following animals which shall be deemed to be illegal animals, per se:
 - (1) Donkeys, burros, horses, ponies;
 - (2) Sheep, goats;
 - (3) Chickens, roosters, ducks, geese;
 - (4) Pigs, swine, boars, sows;
 - (5) Cows, calves, bulls;
 - (6) Llama, camels;
 - (7) Ostrich, peacocks;
 - (8) Lions, tigers, jaguars, leopards, cougars, lynx and cheetahs;
 - (9) Wolves, coyotes and foxes;
 - (10) Badgers, wolverines, weasels, skunks and mink;
 - (11) Raccoons;
 - (12) Bears;
 - (13) Monkeys and chimpanzees;
 - (14) Bats;
 - (15) Alligators, crocodiles and caimans;
 - (16) Scorpions and other stinging insects, except as otherwise provided by law or in the chapters of this code of ordinances;
 - (17) Snakes and reptiles that are venomous;
 - (18) Snakes that are constrictors over six feet in length;
 - (19) Gila monsters and other venomous lizards;

- (20) Opossums;
- (21) All apes, baboons and macaques;
- (22) Piranhas and other voracious fish.

11. "Dangerous Animal" means any animal, including a dog, except for an illegal animal per se, as listed above, that has been 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 conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (b) did bite or claw 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 three separate occasions within a 12-month period.

12. "Household" means the individual or group of people who reside at a particular house, apartment or mobile home.

13. "Animal shelter" means a refuge or sanctuary of animals.

14. "Kennel" means an establishment where dogs or cats in excess of two in number are bred, trained or boarded.

4-1-2 CRUELTY TO ANIMALS. Any 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 necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

(Code of Iowa, Sec. 717.2)

4-1-3 ABANDONMENT. A person who has ownership of a cat or dog or any animal under section 4-1-1 of this chapter 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. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

(Code of Iowa, Sec. 717.4)

4-1-4 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. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of one thousand dollars (\$1,000.00) as a scheduled violation and shall pay the cost of prosecution.

(Code of Iowa, Sec. 717.3)

4-1-5 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. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

(Code of Iowa, Sec. 717.1)

4-1-6 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow or permit dogs, cats, fowl, or any animal to run at large within the corporate limits of the City. Any animal found at large shall be deemed to be so with the permission or at the sufferance of its owner. For allowing the animal to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. For allowing a vicious dog to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined in the sum of fifty dollars (\$50.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) for a non-vicious dog and one hundred dollars (\$100.00) for a vicious dog and shall pay the costs of prosecution.

4-1-7 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep, except as otherwise permitted by the City Council in Chapter 2 of this Title, which tend to disrupt the peace and good order of the community. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-8 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 peaceful enjoyment of the premises. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-9 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 person, bicycles, automobiles or other vehicles. For allowing the animal to be an annoyance or cause a disturbance, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution. Anyone convicted of a second or subsequent violation of this section shall be fined the sum of fifty dollars (\$50.00) and shall pay the costs of prosecution.

4-1-10 OWNER'S DUTY. 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 the 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)

4-1-11 CONFINEMENT. When a local board of health or Chief of Police 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 weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

4-1-12 AT LARGE: IMPOUNDMENT. Dogs, cats or other animals found at large in violation of the chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before the proper court to answer charges made thereunder. If a dog or cat is impounded for absence of rabies vaccination tag, the dog or cat must be immunized or evidence given of immunization before any dog or cat shall be released. The Chief of Police shall have the discretion to contact the owner or seize the dog or cat if a dog or cat is found at large and the owner is known.

4-1-13 DISPOSITION OF LICENSED DOGS AND CATS. Owners of licensed dogs or cats which have been impounded shall be notified. Upon payment of an impounding fee of twenty-five dollars (\$25.00), plus the cost of food and care in the daily amount normally charged for the impoundment, the dog or cat will be returned. If impounded licensed dogs or cats are not recovered by their owners within seven (7) days after notice, the dog or cat shall be disposed of in a humane manner. The owner shall provide proof of vaccination prior to the return of the dog or cat.

4-1-14 DISPOSITION OF UNLICENSED ANIMALS. Impounded unlicensed dogs or other animals may be recovered by the owner upon proper identification, showing proof of a current dog license, and payment of the impounding fee of twenty-five dollars (\$25.00), plus the cost of food and care in the daily amount normally charged for the impoundment. The impoundment fee shall be twenty-five dollars (\$25.00) for an unlicensed dog or other animal and fifty dollars (\$50.00) for an unlicensed vicious dog. If such dogs or other animals are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner. The owner shall provide proof of vaccination prior to the return of the dog.

4-1-15 RABIES CONTROL. All dogs three (3) months or more of age shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animal's collar or harness. Dogs not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 4-1-12 of this chapter. Any owner who allows the rabies vaccination to lapse at any time during the licensing year shall be punished by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment not exceeding thirty (30) days.

4-1-16 QUARANTINE. The owner of any dog or other animal which has contracted rabies, or which has been subject to same, or which is suspected of having rabies, or which shall have bitten any person, shall upon demand by the Police Chief, produce and surrender up such dog or other animal to be held in quarantine for observation for that period necessary to detect the existence or nonexistence of rabies. The cost of caring for said dog shall be paid by the owner.

(Code of Iowa, Sec. 351.39)

4-1-17 DISPOSAL OF INFECTED ANIMAL. If, upon examination by a licensed veterinarian, any dog or other animal shall prove infected with rabies, such dog or other animal shall be disposed of and it shall be the duty of said veterinarian to notify the City Health Officer of any positive rabies case found, without delay.

4-1-18 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. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-19 ENABLING DOGS OR CATS TO LEAVE PREMISES. It shall be unlawful for any person, except the owner or agent, to open any door or gate of any private premises or vehicle, or to otherwise entice or enable a dog or cat to leave any private premises or vehicle, for the purpose of or with the result of setting such dog or cat at large. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-20 VICIOUS DOG PERMITS. It shall be 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:

1. Application. The application for a vicious dog permit must include the following:

A. 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 of \$50,000 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 the event of underlying policy of insurance is cancelled for any reason.

B. 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.

2. Photos. The application must be presented to the Police Chief with two color photos of the dog.

3. 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 changes of address by the owner, or birth of offspring to the dog.

4-1-21 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be securely confined within an occupied house or residence or in a securely 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 feet in height and at least six feet taller than any internal structure. All pens or other structures be 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 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 any part of a house or structure that would allow the dog to exit such building on its own volition. 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 its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or other object or structure. Violation of this section is a misdemeanor.

4-1-22 VICIOUS DOGS AT LARGE. A vicious dog which is found more than twice in any calendar year 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.

4-1-23 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS.

1. The Police Chief or designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. If the owner contests said designation, a hearing on the matter shall be conducted by the City Mayor or designee. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours written notice of the same time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to obtain a vicious dog permit and confine the dog as any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the City Mayor or designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the City Mayor or designee shall order the person owning, sheltering or harboring or keeping the animal to obtain a vicious dog permit and confine the dog 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 the notice of hearing. If the order is not complied with within three days of its issuance, the City Mayor or designee is authorized to seize and impound the dog. A dog 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 Mayor or designee was issued has not appealed such order to the Council, or has not complied with the order, the City Mayor or designee shall cause the dog to be destroyed.

3. The order to obtain the required permit, confine or remove a vicious dog from the City issued by the City Mayor or designee may be appealed by the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three 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 Mayor or designee.

4. 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 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 Mayor or designee. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the City Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken.

5. If the Council affirms the action of the City Mayor or designee, the Council shall order in its written decision that the person sheltering, harboring or keeping such vicious dog, shall obtain a vicious dog permit and confine said dog as required by this chapter or remove such dog from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (1) of this section. If the original order of the City Mayor or designee is not appealed and is not complied with within three (3) days of its issuance, the Police Chief or designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the City Mayor or designee or the Council was

issued has not petitioned the Greene County District Court for a review of said order, or has not complied with the order, the City Mayor or designee shall cause the dog to be destroyed in a humane manner.

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

7. Any dog which is alleged to be vicious 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. If the dog is not determined to be vicious, 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.

4-1-24 KEEPING ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep shelter or harbor such animal for any purpose or in any other capacity within the City except as provided in Section 85.25 of this chapter. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-25 ILLEGAL ANIMAL EXCEPTIONS. The prohibition contained in Section 4-1-24 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 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. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 109 and 109A of the Code of Iowa.

6. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over, by an individual 18 years of age or older who (a) has received a degree of bachelor of science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution, or (b) has successfully completed a course of instruction taught under the auspices of a 200 on the proper handling, care and keeping of such animals, or (c) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling and keeping of reptiles, before the effective

date of the ordinance codified by this chapter and (d) has applied for and received from the Clerk a permit to keep such animals, such application to be on a form approved by the Council.

7. The keeping of agricultural animals within an area which is zoned for agricultural use.

4-1-26 SEIZURE, IMPOUNDMENT AND DISPOSITION OF ILLEGAL ANIMALS.

1. 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 persons or property, such animal may, in the discretion of the Police Chief or designee, be destroyed if it cannot be confined or captured. The City 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 animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring an illegal animal per se on premises in the City, the Police Chief 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 Police Chief 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 person keeping, sheltering or harboring such illegal animal per se has not petitioned the Greene County District Court seeking return of such illegal animal per se, the Police Chief shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 85.25 of this chapter to possess illegal animals or destroy such animal in a humane manner.

3. Upon the complaint of any individual that a person is keeping, sheltering or harboring an illegal animal other than an illegal animal per se on premises in the City, the Police Chief 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 Police Chief shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 4-1-25 of this chapter to possess illegal animals, or destroy the animal, within three days of the receipt of such an 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 the 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 Police Chief 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.

4. The order to remove an illegal animal other than an illegal animal per se issued by the Police Chief may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the 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 Police Chief.

5. 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 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 City Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

6. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the owner remove such animal from the City, permanently place such animal with an organization or group allowed under Section 85.25 to possess illegal animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief or designee is authorized to seize and impound such illegal 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 decision and order of the Police Chief or Council was issued has not petitioned the Greene County District Court for a review of said order, the Police Chief shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 4-1-25 of this chapter to possess illegal animals or destroy such animal in a humane manner. Failure to comply with an order of the Police Chief issued pursuant hereto and not appealed, or of the Council after appeal, shall constitute a misdemeanor.

4-1-27 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a dangerous animal so defined herein, except as provided in Section 4-1-28 of this chapter. Violation of this section shall be a simple misdemeanor and upon conviction thereof, shall be fined the sum of twenty-five dollars (\$25.00) as a scheduled violation and shall pay the cost of prosecution.

4-1-28 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 4-1-23 of this chapter shall not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

4-1-29 SEIZURE, IMPOUNDMENT AND DISPOSITION OF A DANGEROUS ANIMAL.

1. The Police Chief or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a dangerous animal as defined herein, may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the City Mayor or designee. The person owning, keeping, sheltering or harboring the 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 animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous, the owner may be required to remove it from the City or allow it to be destroyed. 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 no adult is present to accept service. A notice that a dog is a dangerous animal may include as an alternative an allegation that a dog is a vicious dog under Section 85.01 and 85.23 and the hearings shall proceed together under this section.

2. If, after hearing, the City Mayor or designee determines that an animal is dangerous, the City Mayor or designee shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the City Mayor 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 Mayor or designee was issued has not appealed such order to the Council, the City Mayor or designee shall cause the animal to be destroyed.

3. The order to remove or destroy a dangerous animal issued by the City Mayor 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 days after receipt of the order to remove or destroy the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Mayor or designee.

4. 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 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 City Mayor or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the City Mayor or designee, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Mayor or designee is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief or designee is authorized to seize and impound such dangerous 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 decision and order of the City Mayor or designee or the Council was issued has not petitioned the Greens County District Court for a review of said order, the City Mayor or designee shall cause the animal to be destroyed in a humane manner.

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

7. Any animal which is alleged to be dangerous 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 animal is determined to be dangerous. If the animal is not determined to be dangerous, all costs shall be paid by the City.

4-1-30 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 85.29 of this chapter and said animal may be immediately seized anywhere within the City, in which case the Police Chief or designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the City.

4-1-31 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.

4-1-32 PRESUMPTION OF OWNERSHIP. In the event any animal is found running at large and not under restraint as herein defined, it shall be presumed that the owner or harbinger of said animal has permitted said animal to run at large and consented thereto and the burden of proof shall be upon said owner or harbinger to prove otherwise.

4-1-33 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

4-1-34 RIGHT TO KILL UNLICENSED DOGS. It shall be lawful for any person, and the duty of all peace officers, to kill any dog for which a license is required, when such dog is not wearing a collar with license tag attached as herein provided.

(Code of Iowa, Sec. 351.26)

4-1-35 RIGHT TO KILL LICENSED DOGS. It shall be lawful for any person to kill a dog licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such a dog is attacking or attempting to bite a person.

(Code of Iowa, Sec. 351.27)

4-1-36 LICENSE. The owner of any cat or dog in which there is no more than two dogs and two cats in the household shall purchase a license for each cat or dog which is owned by that person. The annual license fee for each dog and cat shall be four dollars (\$4.00) if such dog or cat has been spayed or neutered and ten dollars (\$10.00) if such dog or cat is not spayed or neutered or, if satisfactory evidence of spaying or neutering is not presented with the application for license. This fee applies to the first two dogs and first two cats in each household. If there are more than two dogs or more than two cats in a household then, the annual license fee for each additional dog or cat shall be ten dollars (\$10.00) if such dog or cat has been spayed or neutered and twenty

dollars (\$20.00) if such dog or cat is not spayed or neutered or, if satisfactory evidence of spaying or neutering is not presented with the application for license. An applicant claiming that such dog or cat is spayed or neutered shall present as evidence, a certificate from a qualified veterinarian which contains the name and address of the owner and the name, color, sex and breed of the dog or cat. The proper fee shall be presented or sent with the application. No license shall be issued until the fee is paid in full. All licenses shall expire on June 30 of the year of the date of the issuance. This section shall apply to all cats or dogs over the age of six months. Violation of this section shall be fined the sum of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for multiple violations.

4-1-37 LICENSE APPLICATION; FORM.

1. The owner of a dog or cat for which a license is required shall, on or before July first each year, apply to the City Clerk or its designee for a license for each dog or cat owned.

2. Such application for a license may be made after July first 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 months after July first.

4-1-38 TAG.

1. The City Clerk or its designee shall, upon receipt of said application, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped with the following information:

- A. The year which it is issued;
- B. The name of the City; and
- C. The tag number as shown in the records in the office of the City Clerk.

2. The color and shape of the tags shall be changed each year.

3. The tag shall be attached by the owner to a substantial collar and, during the term of the license, shall be at all times kept on the dog or cat for which the license is issued. Upon the expiration of the license the owner shall remove the tag from the dog or cat. The removal of a license tag from a dog or cat prior to the expiration of the license, by any person who is not the owner thereof or the agent of such owner, shall be punished by a fine not exceeding fifty dollars (\$50.00), or imprisonment not exceeding thirty (30) days.

4. 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 three dollars (\$3.00) to the City Clerk or its designee. The City Clerk or its designee shall enter in the license record the new number assigned.

4-1-39 RECORDS. The City Clerk or its designee shall keep record of licenses which shall show:

1. The description of the dog or cat as specified in the application, together with the name and address of the owner of the dog or cat;
2. The date when each license tag is issued and the number on such tag. The date of the most recent rabies vaccination, and the date the dog shall be re-vaccinated;
3. The amount of all fees, licenses, penalties, and costs paid to him or her; and
4. Such other data as the law may require.

4-1-40 ANIMAL SHELTER PROHIBITED. No person shall maintain an animal shelter within the city limits unless consent is obtained from the City Council and the animal shelter follows such terms and conditions as prescribed by the City Council.

4-1-41 KENNELS PROHIBITED. No person shall maintain a kennel within the city limits.

4-1-42 NUISANCE. Any violation of this Chapter in which a continuing offense can be cured through abatement may be declared to be a nuisance and may be abated according to the terms of Title III, Chapter 2, Nuisances. Conduct which will be considered a nuisance includes but is not limited to the following: animals running at large, bothersome animals, dogs causing annoyance or disturbance, vicious dogs which are not properly licensed or confined, vicious dogs at large, keeping of illegal animals, keeping of dangerous animals, too many dogs or cats at a household, the existence of an unauthorized animal shelter within the city limits or existence of a kennel in the city limits.