

CHAPTER 34

ANIMAL CONTROL

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SEC. 34-1. PURPOSE AND SCOPE

This Chapter establishes responsibilities for animal owners in order to effectively manage animals and to control the danger to public health, safety, and welfare presented by animals in Scott County and provides a mechanism to address animal control issues, problems, complaints.

SEC. 34-2. DEFINITIONS

For the purpose of this Chapter these words have the following meanings:

- A. "Animal" means any member of the animal kingdom except human beings.
- B. "Animal Control Officer" means any humane officer employed by a humane society under contract with the County.
- C. "Animal shelter" means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the County or operated under contract with the County for the purpose of the provisions of this Chapter or any other ordinance.
- D. "At large" means off the premises of the owner, whether by accident, design, or otherwise.
- E. "Cat" means all members of the Feline species, male or female, altered or unaltered.
- F. "Dog" means all members of the Canine species, male or

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female, altered or unaltered.

- G. "Deputy" means a law enforcement official representing the Scott County Sheriff.
- H. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- I. "Health Department" means the Scott County Health Department.
- J. "Health Officer" means the Director of the Scott County Health Department or his duly authorized representative.
- K. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three (3) or more days.
- L. "Person" means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- M. "Sheriff's Department" means the Scott County Sheriff's Department.

SEC. 34-3. DOGS, CATS, AND OTHER ANIMALS AT LARGE

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal including livestock, to fail to keep the same from running at large in Scott County.
- B. For the purpose of this Chapter, an animal shall not be deemed at large if the animal is on the premises or property of the animal owner or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee.
- C. Notwithstanding the above, at large means off the premises of the owner, whether by accident, design, or otherwise, unless:
 - 1. The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;

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2. The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;
 3. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.
- D. Notwithstanding any provision to the contrary, dogs or cats injured or killed on or along public streets or public right-of-ways shall be deemed running at large. The Animal Control Officer may remove all such dogs and cats and at his or her discretion take such dog or cat needing medical attention to a veterinarian or animal shelter. The owner or custodian of such a dog or cat shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this Chapter.

SEC. 34-4. TETHERING OF ANIMALS

No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property other than the owner's.

SEC. 34-5. UNHEALTHFUL OR INSANITARY CONDITIONS

- A. An owner shall keep all structures, pens, or yards wherein dogs or cats are confined, clean, devoid of vermin and free of odors arising from feces.
- B. No owner or custodian of any dog or cat shall permit their dog or cat to discharge feces upon any public or private property, other than the property of the owner of the dog or cat. The owner or custodian shall not however be considered in violation of this subsection provided he or she takes steps to immediately remove and clean up the feces discharged by the dog or cat from the property.
- C. All feces removed as aforesaid shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner.
- D. An owner may, as an alternative to subsection C above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

SEC. 34-6. BARKING DOGS

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It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. The Animal Control Officer or a County Deputy shall have the authority to use all reasonable means to abate such violation, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog.

SEC. 34-7. DANGEROUS/VICIOUS ANIMALS PROHIBITED

- A. It shall be unlawful for any person to keep or harbor a dangerous or vicious animal. An animal may be deemed dangerous/vicious by the Animal Control Officer based on the criteria specified below. For the purpose of this section, the term dangerous/vicious animal shall include but not be limited to any animal that either:
1. Attacks and/or bites any person or other animal without provocation or;
 2. Causes serious injury to a person;
 3. Kills livestock or a domestic animal or;
 4. In a vicious or terrorizing manner approaches any person or other animal in an apparent attack posture whether or not the attack is consummated.
- B. An Animal Control Officer shall immediately seize such dangerous/vicious animal which shall be held for five days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal, the Animal Control Officer shall cause for the euthanasia of the animal.
- C. Dogs used in security or police work shall not be classified as dangerous/vicious if a bit or bites occur while the dog is actually performing in such a capacity.

SEC. 34-8. IMPOUNDMENT

- A. It shall be the duty of the persons authorized by the County to operate an animal shelter to supervise and control such a facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water, and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not reclaimed, and to assist in the enforcement and operation of this Chapter.
- B. Upon receipt of a complaint, animals found running at large and abandoned animals may be taken and impounded at the animal shelter and confined in a humane manner.

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- C. Upon impounding an animal, the owner or custodian, if known, shall be given notice of impoundment within two (2) days and the owner shall then have three (3) days to reclaim the animal not counting the day of impoundment.
- D. A person claiming an impounded animal shall pay impoundment fees as established by the animal shelter.
- E. A person claiming an impounded animal shall also pay boarding fees incurred as established by the animal shelter.
- F. A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
- G. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Animal Control Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized.
- H. Animals not reclaimed within the time limitations provided by the Chapter shall become the property of the County or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
- I. The refusal to reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. Any owner or custodian who refuses to pay such expenses shall be in violation of this Chapter and subject to citation for the same.
- J. Neither the County nor the animal shelter, nor their agents and officers enforcing the provisions of this Chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this Chapter.

SEC. 34-9. REFUSAL OF ADMITTANCE

In the event an Animal Control Officer, a Deputy, or a Health Officer, in proceeding to enter onto a property to carry out the provisions of this Chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County. Said magistrate shall thereupon issue his or her warrant directed to some peace officer of the County commanding him or her, between the hours of sunrise and sunset, accompanied by the Animal Control Officer, a Deputy, or Health Officer, to enter onto such

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property and to make such inspection as may be required to carry out the provisions of this Chapter, which order shall be executed by said officer under the direction of the Animal Control Officer, the Deputy, or the Health Officer.

SEC. 34-10. JURISDICTION

The provisions of this Chapter shall apply in the unincorporated areas of Scott County, Iowa.

SEC. 34-11. ENFORCEMENT

- A. It shall be the duty of the Animal Control Officer, the Sheriff's Deputy, and the Health Officer, or a duly authorized representative of the same to enforce the provisions of this Chapter.
- B. Those representatives authorized to enforce this Chapter may issue a civil citation with or without prior notice to any person who is alleged to have committed a municipal infraction.

SEC. 34-12. MUNICIPAL INFRACTIONS

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this Chapter shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.

SEC. 34-13. SEPARABILITY OF PROVISIONS

If any section, paragraph, clause or provisions of this Chapter shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Chapter.

SEC. 34-14. APPLICABILITY

In the event of a difference between the provisions of this Chapter and those contained in applicable state rules and regulations, the most stringent standards will prevail.