

TITLE IV ANIMAL CONTROL

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TITLE IV ANIMAL CONTROL

CHAPTER 46

ANIMALS

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SECTION 4-46-1 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

- (1) “Dog” shall mean any dog, whether male, female, or altered.
- (2) “Cat” shall mean any cat, whether male, female, or altered.
- (3) “Household Pets and Hobby Animals” shall mean mammals, birds, fish, amphibians, arachnids, insects and reptiles as specifically defined in Section 4-46-1.
- (4) “Birds” shall mean parakeets, pigeons, birds of prey, pheasants, quail and other similar birds that are kept as pets or for hobby purposes. Chickens, geese and ducks are considered “farm animals” and may not be kept as household pets.
- (5) “Fish and Amphibians” shall include frogs, toads, and aquatic animals that are kept as pets or for hobby purposes.
- (6) “Mammals” shall mean rabbits, ferrets, mongoose and mink that are kept as pets or for hobby purposes.
- (7) “Reptiles” shall mean non-constrictor and non-venomous snakes, lizards, geckos, salamanders, chameleons, iguanas, alligators or crocodiles less than thirty inches (30”) in length , and similar reptiles that are kept as pets or for hobby purposes and that are not prohibited under the provisions of Chapter 46.
- (8) “Owner” shall mean any person, association or corporation which owns, harbors, shelters, or keeps a dog or cat.

(9) “Running at Large” shall mean off the premises of the owner, or upon premises of someone other than the owner or upon the public streets, sidewalks, alleys, public grounds, school grounds or parks within the city. Any animal shall not be deemed to be at large if:

(a) The animal is on the premises of the owner or premises of a person given charge of the animal by the owner and is either:

(i) Accompanied by and obedient to the commands of the owner or the person given such charge, or

(ii) Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and does not allow the animal to go beyond the real property line of the owner or person in charge.

(10) “Lease” or “leashed” means on a cord or chain or other similar restraint not more than six feet in length and of sufficient strength to restrain the animal and at all times in control of a person competent to restrain or control said animal.

(11) “Exotic Animal” The term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, snakes and other reptiles, camels, antelope, anteaters, kangaroos, spiders and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

SECTION 4-46-2 ANIMALS TO BE RESTRAINED. It shall be unlawful for any animal to run at large within the corporate limits of the City of Alburnett, Iowa.

(Code of Iowa, Sec. 351.41)

SECTION 4-46-3 VICIOUS DOGS AND CATS. It is unlawful for any person to harbor or keep a vicious dog or cat within the City. A dog or cat is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner. Any dog over the apparent age of four (4) months old which is a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler, or any dog of mixed breeding falls under the category of vicious dogs.

(1) Any Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler or any dog of mixed breeding which includes any of the aforementioned breeds that has been registered with the City of Alburnett prior to January 1, 2004 and has not attacked or bitten any person without provocation, or does not have propensity to attack or bite persons is exempt from this definition.

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

(3) This ordinance shall be in effect from and after its final passage approval and publication as provided by law.

SECTION 4-46-4 EXOTIC ANIMALS, REPTILES AND SERPENTS. It is unlawful for anyone to harbor, impound, confine, keep, retain or house an exotic animal, reptile or serpent within the City limits of the City or its jurisdictional boundaries.

SECTION 4-46-5 RABIES VACCINATION REQUIRED. Every cat and dog in the city over the age of six (6) months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when outside of the owner's dwelling.

SECTION 4-46-6 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, to fail to supply the animal during confinement with a sufficient quantity of food or water, fails 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.

SECTION 4-46-7 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..

SECTION 4-46-8 OFFENSES. No owner of any dog, cat or other animals, or person having control or responsibility thereof, shall:

- (1) Allow or permit such animal to run at large.
- (2) Allow or permit such animal to defecate on private property without the express consent of the owner of such property. Fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.
- (3) Allow or permit such animal to defecate on public property, including, but not limited to, public property located between curb lines of public streets, parking, adjacent property lines and public property located within parks. Fail to pick up and dispose of any feces deposited by such animal on public property.
- (4) Allow or permit animal to pass upon public or private property thereby causing damages to or interference with such property.
- (5) Allow or permit a dog or cat to cause annoyance or disturbance to any person by frequent and habitual barking, howling or yelping.
- (6) Allow or permit a dog/cat to run after, chase, or attack any person or vehicle or place any person in reasonable fear of attack or injury.
- (7) Keep, shelter or harbor any dog or cat without a rabies tag attached to its collar or harness when outside of its normal confinement or on a chain as required by this Chapter.
- (8) Keep, shelter or harbor any unvaccinated dog or cat.
- (9) Keep, shelter or harbor any dog or cat with an expired vaccination tag attached to its collar or harness.

(10) Allow or permit animal to destroy or damage property other than the property of the owner of such animal.

(11) Abandon any animal within the corporate limits of the City.

SECTION 4-46-9 REQUIREMENT WHEN ANIMAL HAS BITTEN A PERSON. The owner of an animal shall report at once to the Police Department the fact that his or her animal has bitten or attacked a person or domestic animal, and all persons having knowledge of such fact shall report the same to the Police Department. Any person claiming to have been bitten by an animal must go in person to the Police Department or to a physician to show proof of a bite if deemed necessary by the director of public health. Children claiming to have been bitten by an animal must be accompanied by a parent or legal guardian. 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.

SECTION 4-46-10 QUARANTINE FOR A MINIMUM PERIOD OF 14 DAYS. It shall be the duty of the Chief of Police to order the owner of any animal which has bitten a person or another animal, or any animal suspected of being infected with rabies to confine such animal for a period of fourteen (14) days at the animal shelter, a veterinary clinic, or a registered kennel.

SECTION 4-46-11 SUMMONS ISSUED. The owner of any dog, cat, or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog, cat, or animal to be at large in violation of this chapter. No warnings verbal or written will be issued. An Animal Protection and Control Violation Notice will be issued by a peace officer.

TITLE IV ANIMAL CONTROL

CHAPTER 47

DANGEROUS AND VICIOUS ANIMALS

4-47-1 Seizure, Impoundment and Disposition Of Dangerous Or Vicious Animals

SECTION 4-47-1 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS.

(1) In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right of way, sidewalks, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Mayor or the Chief of Police, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious 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 an individual that a person is keeping, sheltering, or harboring a dangerous animal or vicious animal on premises in the City of Alburnett and in a manner contrary to the provisions of this ordinance, the Mayor and 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 a dangerous or vicious animal in the City in a manner contrary to provisions of this ordinance, the officer shall order the person named in the complaint to safely remove such animal from the City, by destroying the animal.

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CHAPTER 48

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