

## ORDINANCE 06-15

**AN ORDINANCE** amending the Code of Ordinances of the City of Laurens, Iowa, 2011 by amendment to Animal Protection and Control, Chapter 55 (Revised 05/12).

BE IT ENACTED by the council of the City of Laurens, Iowa:

The Code of Ordinances of the City of Laurens, Iowa is amended by repealing Chapter 55 (Revised 05/12), Animal Protection and Control, and replacing with the following:

Beginning October 1, 2015 and thereafter, Chapter 55 of the Code of Ordinances of the City of Laurens, Iowa shall be replaced by Chapter 55 (Revised 8/05/2015).

### CHAPTER 55 (Amended 08/05/2015) ANIMAL PROTECTION AND CONTROL

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#### 55.01 DEFINITIONS.

The following terms are defined for use in this chapter.

1. "Animal" means dogs and cats and every other animate being other than humans.
2. "At large" means any animal found off the premises of its owner and not on a leash under the control of a competent person, restrained within a vehicle, or housed in a veterinary hospital or kennel.
3. "Cat" means both male and female animals of the cat family (*Felis Catus*), whether neutered or not.
4. "Chicken" means a member of the subspecies *Gallus Gallus Domesticus*, a domestic fowl.
5. "Coop" means any cage, enclosure, or structure used for housing and protecting livestock from weather and predators, whether stationary or capable of movement.
6. "Dangerous animal" includes any animal which is not naturally tamed or gentle; or which is of a wild nature or disposition; or which is capable of killing or inflicting serious injury upon human beings and having known tendencies, individually or as a species, to do so; or which, because of its size or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters, including, but not limited to, the following animals, which are deemed as dangerous per se: bears, wolves, lions, tigers, panthers, elephants, bison, poisonous snakes and spiders, alligators, crocodiles, anacondas, pythons, boa constrictors, and piranhas.
7. "Dog" means both male and female animals of the canine species, whether neutered or not.
8. "Health department and health officer" means the Pocahontas County Health Department, its director and employees.
9. "Kennel" means a licensed facility authorized to contain four or more dogs and/or cats.
10. "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. 717.1*)
11. "Neutered" refers to a surgical procedure that has been performed on a dog or cat that renders it incapable of siring or bearing offspring.
12. "Owner" means any person, firm, association or corporation owning, keeping, sheltering or harboring an animal.
13. "Police service animal" means an animal used by a peace officer in the performance of the officer's duties, whether or not the animal is on duty.

14. "Rear yard" means a yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies, or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
15. "Single-Family Dwelling" means any building that contains only one dwelling unit used, intended, rented, leased, let, or hired to be occupied for residential purposes.
16. "Urban Chicken" means a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.
17. "Vicious animal" means any animal, except for a dangerous animal per se, that has attacked, bitten, or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including,, but not limited to, such that said animal (a) has bitten more than one person during the animal's lifetime; or (b) has bitten one person on two or more occasions during the animal's lifetime; or (c) has attacked any domestic animal or fowl without provocation, causing injury or death while off the property of the owner.

#### **55.02 NUMBER AND TYPE PERMITTED.**

1. Any number of licensed animals, not to exceed six in number per household, where dogs and cats are owned and maintained in compliance with this chapter.
2. The young produced by any pets permitted herein may be maintained with parent animals for a period not to exceed ten weeks.
3. It is unlawful for a person to keep livestock within the City except in compliance with the City's zoning regulations or by the provisions of this chapter.

#### **55.03 LICENSING OF DOGS AND CATS.**

1. **Licensing Agent.** The City Clerk is designated as the official agent of the City for the purpose of issuing City dog and cat licenses and collecting fees therefore pursuant to the provisions of this section.
2. **Licensing Requirements.**
  - A. Residents of the City who own an animal, or take ownership of an animal, over six months old shall procure a City dog or cat license from the City Clerk within sixty days of acquiring the pet.
  - B. The fee for a license shall be twenty dollars (\$20) for each dog or cat.
  - C. Licenses shall be valid for the life of the animal for which it was issued.
  - D. Upon payment of the license fee set forth above, the City Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence, and a description of the dog or cat. The City Clerk shall keep a duplicate of each license issued as a public record.
  - E. Upon issuance of the license, the City Clerk shall deliver or mail to the owner a metal tag stamped with the number of the license and the City's name, and the word "lifetime".
3. **Display of Tag.** The tag as described in paragraph E of subsection 2 of this section shall be attached by the owner to a substantial collar during the term of the license, and must be worn by the animal whenever it is not indoors, in a fenced yard or fenced kennel within the city limits.
4. **Duplicate Tag.** Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of two dollars (\$2.00) to the City Clerk. The City Clerk shall enter in the license and record the new number assigned.
5. **Removal of License Tags.** It is unlawful for any person who is not the owner or the agent of such owner or an employee of the City or its' agent, acting in an official capacity, to remove a license tag from a dog or cat.

#### **55.04 URBAN CHICKENS**

1. **Number of Chickens.** Any number of Urban Chickens not to exceed six (6) in number per one single-family residential property for the benefit of the owner or lessee of said property.
2. **Hens only.** It shall be unlawful to keep roosters within the city limits.

3. **Enclosures required.** Urban Chickens must be kept in a Coop or penned area consistent with customary animal husbandry practices at all times. Urban Chickens shall be secured within a Coop during non-daylight hours.
4. **Enclosure requirements.** Coops shall be constructed of sturdy materials and shall be kept well maintained. Pens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens.
5. **Location of Enclosures.** Coops and pens shall be limited to the rear yard of the property, with a minimum of ten feet distance from any and all property lines.
6. **Non-Commercial Use.** Owner shall not engage in the breeding of chickens, egg production, or fertilizer production for commercial purposes.

#### **55.05 PERMITS FOR URBAN CHICKENS**

1. **Permit Agent.** The City Clerk may issue Permits pursuant to the provisions of this section.
2. **Fees Collected.** The City Clerk is designated as the official agent of the City for collecting fees therefor pursuant to the provisions of this section.
3. **Permit Requirements**
  - a. Residents of the City wanting to own Urban Chickens, or take ownership in Urban Chickens, Shall procure a City Urban Chicken Permit prior to raising, harboring, or keeping Urban Chickens within the city limits, except in Compliance with the City's Zoning Regulations.
  - b. The fee for a permit shall be twenty dollars (\$20) per year for each Single-Family Residential Property.
  - c. Upon payment of the license fee set forth above and the requirements of this chapter being met, the City Clerk may issue to the owner a permit which shall contain the name of the owner, the owner's place of residence, and the number of chickens.
  - d. Permits shall be valid for a period of one year unless revoked pursuant to any violation of this ordinance.
  - e. A permit may be denied due to any nuisance condition or unresolved violations of any ordinance, unpaid utility bill, or outstanding invoices or liens on the property.
4. **Rental Properties.** Written verification of the consent of the owner of the parcel of land for which the permit is sought, if the applicant is not the owner, and is instead tenant, lessee or otherwise authorized to reside at and use the property, must be provided prior to permit being issued.
5. **Inspection.** Residents seeking a permit or those who have a permit grant the City, with due notice, the right to enter onto the property to inspect the Coop and penned area to check compliance of this chapter.

#### **55.06 ANIMAL AT LARGE.**

1. **At Large Prohibited.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.
2. **Impoundment and Ticketing.**
  - A. An animal found at large may be seized and impounded; or, at the discretion of the Mayor or Police Officer, the owner may be served a citation and/or complaint to appear before the district associate court to answer charges made thereunder.
  - B. If an impounded animal is returned to its owner, the owner shall pay the cost of the impoundment.

#### **55.07 TETHERING OF ANIMALS.**

No person shall confine, stake or otherwise tie or fasten an animal within the corporate limits of the City in such place or in such manner as will permit such animal to pass unto, over or across any of the public sidewalks, streets, or alleys, or onto the property of another, block mailboxes or utility meters within the incorporated limits of the City.

#### **55.08 RELEASING ANIMALS.**

No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment whether such confinement or impoundment be upon such person's

property or that of another, by opening any gate, door or window, by making an opening in any fence enclosure or structure, or by unleashing such animal.

#### **55.09 DAMAGE OF 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.

#### **55.10 ANNOYANCE OR DISTURBANCE.**

It is unlawful for the owner of an animal to allow or permit such animal 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.

#### **55.11 TRAPS.**

1. No person may set traps in the City for the purpose of apprehending wild or domesticated animals. This section does not prohibit: (a) trapping mice, rats or other household vermin; or (b) setting of traps to destroy moles and other underground pests so long as the traps used may be triggered only by subsurface action; or (c) setting of traps in the line of duty by the Mayor or Police Office or with written permission from and under the supervision of the Mayor or Police Officer or licensed pest control operators.
2. The owner or person in lawful possession and control of any premises may utilize live traps to apprehend animals on any premises, regardless of the zone, if such animals constitute a nuisance due to the destruction of property, and if the method and location of such trapping is approved by the Mayor or Police Officer.

#### **55.12 DANGEROUS ANIMALS**

- A. No person shall keep, shelter, or harbor any dangerous 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 capacity within the City.
- B. This prohibition does not apply to the keeping of dangerous animals in the following circumstances:
  1. The keeping of dangerous animals in a bona fide educational institution, museum or other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study;
  2. The keeping of dangerous animals for exhibition to the public by circus, carnival, exhibit, show, or pet shop;
  3. The keeping of dangerous animals in a bona fide, licensed veterinarian hospital for treatment.

#### **55.13 VICIOUS ANIMALS**

No person shall keep, shelter, or harbor any vicious animal within the Corporate City Limits except for in the following circumstances

1. Animals under the control of a Law Enforcement or Military Agency
2. Guard dogs upon the approval of the Council. Guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import.

#### **55.14 INVESTIGATION.**

1. In the event that a dangerous animal or vicious animal is found at large upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person and property, such animal may, in the discretion of the Mayor or Police Officer, 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 animal 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 any individual that a person is keeping, sheltering, or harboring a vicious animal or dangerous animal on premises in the City, the Mayor or Police Officer shall cause the matter to be investigated.
3. After investigation, if the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal within the City, the Mayor or Police Officer shall order the person to remove such animal within three (3) days of receipt of such an order.
4. Such order shall contain a finding that the animal is vicious or dangerous, a description of the animal, a description of the acts relied upon in determining the animal is vicious, a statement to the owner to safely remove the animal from the city limits within three (3) days or destroy the animal with three (3) days of receiving order, a copy of this section, and a statement advising the owner of the right to request a hearing.
5. Such order and notice shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or Police Officer shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
6. This order shall be sent by certified mail or delivered in person.
7. Any owner advised that the owner's animal is declared vicious or dangerous may, upon request, appeal to the Council. A request for hearing must be made in writing and delivered to the office of the City Clerk within three (3) days of receipt of the order or it will be conclusively presumed that the animal is vicious or dangerous. The Appeal shall be heard before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive.

#### **55.15 RABIES VACCINATIONS.**

1. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have an animal in said person's possession, six months of age or over, which has not been vaccinated against rabies. Animals kept in State or Federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements. (*Code of Iowa, Sec. 351.33*)
2. An owner of a dog or cat shall, upon request of the Pocahontas County Health Officer or Police Officer, display a current vaccination record signed by a licensed veterinarian.

#### **55.16 ANIMAL BITES.**

1. Any dog or cat which is suspected of having rabies, or which has bitten a person or other animal, shall be impounded and confined, either at the residence of the owner of said animal, or under the supervision of a licensed veterinarian, for observation. The confinement period shall be ten (10) days. At the completion of the confinement period, the owner shall present the confined animal to a licensed veterinarian. The veterinarian shall then examine the animal, and a copy of the veterinarian's report shall be given to the local health officer or Police Officer. All fees for such impoundment, observation, and examination shall be the sole responsibility of the owner of such animal.
  - A. Any such animal impounded under the provisions of this section shall be humanely destroyed upon determination that such animal is infected with rabies. It is the duty of the Veterinarian to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.
  - B. 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 officer or Police Officer.
  - C. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in performance of its duties has bitten a person.

#### **55.17 CARE OF ANIMALS.**

1. **Animal Neglect.** 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 a 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. (*Code of Iowa, Dec. 717B.3*)

2. **Livestock Neglect.** 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 any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices. (*Code of Iowa, Sec. 717.2*)
3. **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. (*Code of Iowa, Sec. 717B.8*)

#### **55.18 ANIMAL SANITATION**

1. **Sanitation of Premises.** All structures, pens, coops or yards wherein animals are kept or housed shall be well maintained and regularly and thoroughly cleaned, and all debris, refuse, manure or other offensive materials removed as often as is necessary to maintain such premises in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The health officer or Police Officer may inspect, or cause to be inspected, any structure or premises, and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant pertinent rule, regulation or ordinance.
2. **Refuse Containers.** All refuse and manure and any materials conducive to vermin or which may create any offensive odors, removed from such structure or such premises as aforesaid, shall be placed in suitable tight containers until completely removed from the premises, which containers must be covered with a tightly fitted vermin-proof cover, and such refuse then entirely removed from the premises or actually turned under the surface of the soil in such a manner as to avoid offensive odors, vermin, or any other menace to the public health.
3. **Sanitation off Premises.** It is prohibited for any person to permit or allow an animal owned by that person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another, unless such person shall immediately thereafter clean up, remove, and dispose of the feces so deposited.

#### **55.19 INTERFERENCE WITH POLICE SERVICE ANIMAL**

1. A person who knowingly and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service animal, without inflicting serious injury on the dog, commits a simple misdemeanor.
2. This section does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

#### **55.20 KEEPING OF PIT BULL DOGS.**

1. **Keeping Prohibited.** It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the City a Pit Bull Dog as defined in section 2 of this ordinance.
2. **Definition**—"Pit Bull Dog" is defined to mean:
  - A. The Bull Terrier breed of dog.
  - B. The Staffordshire Bull Terrier breed of dog.
  - C. The American Pit Bull Terrier breed of dog.
  - D. The American Staffordshire Terrier breed of dog.
  - E. Dogs of mixed breeds are known as Pit Bulls, Pit Bull dogs or Pit Bull Terriers.
  - F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier—known as Pit Bulls, Pit Bull dogs or Pit Bull Terrier, or any combination of any of these breeds.
3. **Exceptions.** A Pit Bull dog used as a guide dog or a signal dog shall be exempt from this section. A guide dog, signal dog, shall be defined as a dog trained to do work or perform tasks for the benefit of an individual with a disability; including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEVERABILITY CLAUSE: 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 and section, provision, or part thereof not adjudged invalid or unconstitutional.

WHEN EFFECTIVE: This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Passed by the Laurens City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Rich Newgard, Mayor ProTem

ATTEST:

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Barbara Smith, City Clerk