

## CITY OF AVOCA

### **TITLE III: PUBLIC SAFETY** **CHAPTER 4: ANIMAL CONTROL**

4.01 TITLE. This chapter may be known and cited as the “Avoca Animal Control Code.”

4.02 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Adequate shelter” means that each of the following exists:
  - A. Shelter from Sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
  - B. Shelter from Rain or Snow. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
  - C. Shelter From Cold Weather. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated.
  - D. Drainage. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal.
2. “Animal” means a nonhuman vertebrate.
3. “At large” means off the premises of the animal’s owner. An animal will not be deemed at large if:
  - A. It is within the view of a person competent to restrain and control the animal, and under control by leash, cord, chain or other similar manner;
  - B. It is properly restrained within a motor vehicle;
  - C. It is properly housed in a veterinary hospital or licensed kennel.
4. “Dangerous animal” means:
  - A. Any animal which is not naturally tame or gentle, 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 animal declared to be dangerous by the Council;
- C. Vicious dogs, defined as the following:
  - i. Any dog which has attacked a human being or domestic animal one or more times, without provocation, as determined by the Police Chief;
  - ii. 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, as determined by the Police Chief;
  - iii. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
  - iv. 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 of Iowa or the United States or a branch of the armed forces of the United States.
  - v. The American Pit Bull Terrier breed of dog;
  - vi. The American Staffordshire Terrier breed of dog;
  - vii. The Staffordshire Bull Terrier.
- D. The following animals, which are deemed to be dangerous animals per se:
  - i. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
  - ii. Wolves, coyotes and foxes;
  - iii. Badgers, wolverines, weasels, and skunks;
  - iv. Raccoons;
  - v. Bears;
  - vi. Monkeys and chimpanzees;
  - vii. Alligators and crocodiles;

- viii. Scorpions;
  - ix. Snakes that are venomous, or constrictors;
  - x. Gila monsters;
- E. Any crossbreed which predominantly display traits of such animals as listed above.
- 5. “Dog” means any member of the canine species.
  - 6. “Cat” means any member of the feline species.
  - 7. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, or poultry.
  - 8. “Owner” means any person owning, keeping, sheltering or harboring an animal.”  
(Code of Iowa, Chapter 351.2)

4.03 TYPES AND NUMBERS OF ANIMALS PERMITTED. The following animals may be owned as pets under the following conditions:

- 1. Dogs not to exceed three in number and cats not to exceed three in number at or in a residential dwelling, which dogs and cats are owned and maintained in compliance with the provisions of this Chapter relating to such animals.
- 2. Rabbits not to exceed three in number at or in a residential dwelling, and which must be maintained in a hutch or other type of enclosure.
- 4. Vietnamese Pot Bellied Pigs, Asian Pot Bellied Pigs or pot bellied pigs not to exceed two in number of the types considered together at or in a residential dwelling.
- 5. The young produced by any pets permitted herein may be maintained at or in a residential dwelling with the parent animals for a period of approximately eight weeks but in no case longer than ten weeks.

4.04 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, Chapter 717B.3)

4.05 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, Chapter 717B.7)

4.06 LIVESTOCK. It is unlawful for a person to keep livestock within the City except in compliance with the City's zoning regulations.

4.07 DAMAGE OR INJURY. It is unlawful for an owner to allow or permit an animal to attack persons or domestic animals, to destroy property, to cause personal injury or to place persons in danger of attack or injury.

4.08 OFFENSES. No owner of any dog, cat or other animal, 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 urinate or defecate on private property without the express consent of the owner of such property.
3. Fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.
4. Allow or permit such animal to urinate or defecate on public property, including, but not limited to, public property located between curb lines of public streets and adjacent property lines and public property located within parks.
5. Fail to pick up and dispose of any feces deposited by such animal on public property.
6. Allow or permit such animal to pass upon public or private property thereby causing damages to or interference with such property.
7. Allow or permit a dog to cause annoyance or disturbance to any person by frequent and habitual barking, howling or yelping.
8. Allow or permit a dog to run after, chase, or attack any person or vehicle or place any person in reasonable fear of attack or injury.
9. Keep, shelter or harbor any unlicensed animal.
10. Keep, shelter or harbor any animal without a license tag attached to its collar or harness as required by this Chapter.

11. Keep, shelter or harbor any animal with an expired license tag attached to its collar or harness.
12. Keep, shelter or harbor any unvaccinated animal.
13. Keep, shelter or harbor any animal without a vaccination tag attached to its collar or harness as required by law.
14. Keep, shelter or harbor any animal with an expired vaccination tag attached to its collar or harness.

4.09 KEEPING OF DANGEROUS ANIMALS. No person shall keep or permit to be kept any dangerous animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, public aquarium, 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 dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

It is the duty of persons permitted to keep dangerous animals under this section to report immediately to the Police Department when any dangerous animal is found missing.

4.10 RABIES VACCINATION. 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 a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Chapter 351.33)

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, Chapter 351.38)

4.12 QUARANTINE FOR A MINIMUM PERIOD. 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 at the expense of the owner.

4.13 SEIZURE AND IMPOUNDING. Any animal found in violation of the provisions of this Chapter shall be seized and impounded.

4.14 ANNUAL LICENSE REQUIRED. The owner of all dogs and cats six (6) months of age or older, shall annually obtain a license therefore as hereinafter provided. Every owner of a dog or cat under the age of six (6) months on March 1 of any year shall apply for an annual license for each such dog or cat on or before the first day of the first month after each such dog or cat reaches the age of six (6) months.

4.15 EXCEPTIONS TO LICENSE REQUIREMENTS. The requirements for licensing dogs and cats shall not apply to such animals if one or more of the following situations apply:

1. In transit through the City only.
2. First thirty (30) days of residency by the owner.
3. Housed in a veterinary hospital.
4. Housed temporarily in an animal grooming shop.
5. Housed in an establishment licensed kennel.
6. Housed in an accredited institution for research purposes only.

4.16 DISPOSITION OF ANIMALS. When a dog has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded dogs 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 dog within seven days of the date of notice, or if the owner cannot be located within seven days, the dog may be humanely destroyed or otherwise disposed of in accordance with law, at the discretion of the City Manager, or his or her designee.

(Code of Iowa, Chapter 351.37, 351.41)

4.17 IMPOUNDING COSTS. Impounding and kennel costs shall be as established by resolution of the City Council.

4.18 SANITARY CONDITIONS. It is unlawful for any owner or person in charge of an animal to fail to clean up and remove as soon as possible any excrement or droppings deposited by said animal on any real estate other than the premises of the owner or person in charge. It is unlawful for the owner or person in charge of any animal to permit excrement or dropping from said animal to collect, causing odor or unsanitary conditions.

4.19 DECLARING A VICIOUS DOGS. The following process shall be used in declaring a vicious dog:

1. Any law enforcement official, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may declare such dog a vicious dog.
2. The owner(s) or person in possession of the dog must notify the City Manager within three (3) business days of their desire for a hearing on the declaration of a vicious dog.
3. If the owner contests said designation a hearing on the matter shall be conducted by the City Manager or his or her designee. The person, firm, or corporation owning, keeping, sheltering, or harboring the dog in question shall be given not less than three (3) business days written notice of the 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 is required to remove the dog from the City, as required by this Chapter or have the animal humanely 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.
4. If the City Manager, or his or her designee, affirms the vicious dog declaration, the City Manger, or his or her designee, shall order writing that the individual or entity owning, sheltering, harboring, or keeping such vicious dog remove the animal from the City or have the animal humanely destroyed.
5. 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.

4.20 POWERS OF OFFICERS. The animal control officer shall have police powers in the enforcement of this chapter, and it is unlawful for any person to hinder, molest or abuse such officer in the exercise of such powers. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, any officer is empowered to enter upon any outdoor premises upon which any animal is kept or is found. Upon discovering that any animal has not received rabies shots, has inadequate shelter, feed or water, is the victim of neglect, or is abandoned or homeless, the officer may remove said animal to the animal shelter or Humane Society. The cost of said removal and boarding shall be assessed to the owner of said animal.