

# Chapter 6

## ANIMAL CONTROL

### ARTICLE A. MISCELLANEOUS PROVISIONS

#### 7-6A-1: SALE OF BABY CHICKENS AND DUCKLINGS:

- A. Sale As Pets Or Novelties: It shall be unlawful for any person to sell, or offer for sale, barter, or give away, baby chicks or ducklings or other fowl as pets or novelties.
- B. Selling For Commercial Purposes Allowed: This section shall not be construed to prohibit the display or sale of natural chicks, ducklings in proper brooder facilities, by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes.
- C. State License Required: No person shall engage in the business of selling baby chicks, poultry or domestic fowl within the city unless such person has been licensed to do so by the department of agriculture of the state. (Ord. 76-08, 11-3-2008)

#### 7-6A-2: RESTRICTIONS ON MAINTAINING LIVESTOCK:

- A. Maintenance Of Pens, Yards And Enclosures: No person shall keep or maintain within the corporate limits of the city any pens, buildings, yards, sheds or enclosures wherein any cattle, sheep, swine or other livestock are collected, kept or fed for commercial purposes unless such pens, buildings, yards, sheds or enclosures are erected, constructed and maintained as provided in this section.
- B. Concrete Floors: All such pens, buildings, yards, sheds or enclosures shall be erected and maintained with floors constructed of concrete at least four inches (4") thick with a smoothly troweled wearing surface.
- C. Drainage; Catch Basins: All such concrete floors shall be constructed so as to drain to a catch basin or basins connected with the sanitary sewage system of the city, or in the event there is no such sewage system within two hundred feet (200') from the property line, such basin or basins shall be connected with a sewage disposal system approved by the city manager. (Ord. 76-08, 11-3-2008)

### **7-6A-3: STORAGE OF ANIMAL FOOD:**

All food and feed within the city for feeding chickens, cows, pigs, horses, and other animals shall be stored in rat free and ratproof containers, compartments, or rooms unless stored in a ratproof building. (Ord. 76-08, 11-3-2008)

## **ARTICLE B. DOGS AND CATS**

### **7-6B-1: DEFINITIONS:**

The following definitions shall apply in the interpretation of this article:

**AT LARGE:** Any dog, cat or livestock, fowl or ferret found off the premises of the owner or keeper. A dog or cat shall not be deemed at large if the dog or cat is:

- A. Attached to a leash of sufficient strength and appropriate length to control the animal where such leash is held by its owner or keeper; or
- B. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or cat within the motor vehicle; or
- C. Housed in a licensed veterinarian's animal hospital; or
- D. Accompanied by the owner or keeper on the premises of another with such person's consent and restrained by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow the dog or cat to go beyond such person's property line or to come into contact with anyone outside such person's property line.

**CAT:** Both male and female animals in the family Felis catus whether neutered or not.

**DOG:** Both male and female animals of the canine species whether neutered or not, but not including a law enforcement dog.

**HEALTH CARE PROVIDER:** A person who is trained and licensed to give health care.

**KEEPER:** Any person other than the owner keeping, sheltering, having control or custody of or harboring an animal.

**KENNEL:** A place or establishment where dogs or cats are kept or raised for the purpose of breeding, boarding, racing at a licensed parimutuel track, exchanged or offered for sale to the general public and which are kept under constant restraint.

**NEUTERED:** A surgical procedure that has been performed on a dog or a cat that renders it incapable of siring or bearing offspring.

**NUISANCE:** A dog or cat shall be considered a nuisance if it:

- A. Damages, soils, defiles or defecates on private property other than the owner's or keeper's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner or keeper.
- B. Causes unsanitary, dangerous or offensive conditions.
- C. Causes a disturbance by excessive barking or other noisemaking that can be heard from a position in the public right-of-way.
- D. Chases vehicles, or molests, attacks or interferes with persons or other domestic animals off the premises of the owner or keeper.

**OWNER:** Any person owning a cat, dog, or other animal.

**VIOUS ANIMAL:** A vicious cat or dog is deemed so when it shall have attacked or bitten any person on more than one (1) occasion without provocation or when an attack or bite results in serious bodily injury. (Ord. 28-17, 6-5-2017)

## **7-6B-2: LICENSING; TAGS AND FEES:**

- A. License Required: No person shall keep a dog or cat in the City unless such dog or cat is licensed by the City as provided in this article. This section shall not apply to veterinary clinics and boarding facilities.
- B. Application For License: The owner or keeper shall make application for a license with the City Manager. The application shall give the name, physical address, date of birth or social security number of the owner or keeper, the sex and description of the dog or cat, and if known, its breed and age. In the event of a change of ownership, the license holder shall notify the City Manager of such change. All dogs and cats shall be licensed by not later than six (6) months of age. If an animal is older than six (6) months of age, the dog or cat must be licensed within thirty (30) days of ownership or residing in the City of Dubuque, whichever is first.

### **C. Dogs:**

- 1. License Fee; Neutering:
  - a. The license fee per calendar year, or fraction thereof, for a dog license shall be as established by the City Manager.

- b. The applicant or licensee shall furnish written proof from a licensed veterinarian that surgical procedures have been performed that render either male or female dogs incapable of reproduction, which may result in a reduced licensed fee.
- 2. **Expiration; Renewal; Delinquent Fee:** All dog licenses issued under this subsection shall expire one (1) year from the date the license was issued and shall become delinquent thirty (30) days after the license anniversary date. A delinquent fee as established by the City Manager, shall be added to the required license fee for each delinquent dog license.

#### D. Cats:

- 1. **License Fee; Neutering:**
  - a. The license fee per calendar year, or fraction thereof, shall be as established by the City Manager.
  - b. The applicant or licensee shall furnish written proof from a licensed veterinarian that surgical procedures have been performed that render either male or female cats incapable of reproduction, which may result in a reduced licensed fee.
- 2. **Expiration; Renewal; Delinquent Fees:** All cat licenses issued under this subsection shall expire one (1) year from the date the license was purchased and shall become delinquent thirty (30) days after the license anniversary date. A delinquent fee as established by the City Manager shall be added to the required license fee for each delinquent cat license.

#### E. Tags:

- 1. **Tags Not Transferable:** A license issued for any dog or cat shall not be transferred to another dog or cat.
- 2. **Tags Attached To Collar Or Harness:** The owner or keeper of a dog or cat, upon procurement of the license, shall securely attach the license tag to a collar or harness and this collar or harness, with the tag attached, shall at all times be kept on the dog or cat. Any dog or cat found at large without a collar or harness with license tag attached shall be deemed unlicensed and shall be impounded.

#### F. Fee For Duplicate License:

The fee for a duplicate license for either a dog or cat shall be as established by the City Manager.

#### G. Consent Implied From Application And Receipt:

The application for and the receipt of a license as required in this section shall include an implied consent by the owner or keeper to permit an inspection of both real and personal property under the owner's or keeper's control for the purpose of carrying out the provisions of this article relating to the harborage of vicious animals or to the control of rabies outbreak or relating to the provisions of law relative to the prohibition of cruelty to animals. (Ord. 28-17, 6-5-2017)

## **7-6B-3: KEEPING DOMESTIC ANIMALS ON UNOCCUPIED RESIDENTIAL PROPERTY OR IN DANGEROUS BUILDINGS PROHIBITED:**

The owner or keeper of a dog or cat shall not keep or allow the dog or cat to be kept on unoccupied property or in any building that meets the definition of a dangerous building as set forth in section [14-3-2](#) of this Code. For purposes of this provision, "unoccupied property" shall include but is not limited to property that is not the primary residence of the owner or keeper or any other occupant. (Ord. 28-17, 6-5-2017)

## **7-6B-4: HARBORING VICIOUS DOG OR CAT:**

It shall be unlawful for any person or persons to harbor or keep a vicious dog or cat within the City. The City may abate violations of this section with penalties including, but not limited to, euthanization of the animal. (Ord. 28-17, 6-5-2017)

## **7-6B-5: NUISANCE:**

It shall be unlawful for any owner or keeper to permit a dog or cat to commit a nuisance. (Ord. 76-08, 11-3-2008)

## **7-6B-6: FEMALE DOGS IN SEASON:**

It shall be unlawful for any owner or keeper to allow a female dog in season to run at large or to so confine such dog as to attract male dogs to the area and by their presence cause a nuisance. (Ord. 76-08, 11-3-2008)

## **7-6B-7: RUNNING AT LARGE:**

It shall be unlawful for any owner or keeper to permit or allow a dog, cat, ferret, livestock or fowl to run at large. (Ord. 76-08, 11-3-2008)

## **7-6B-8: DIRECTING DOG WITH MALICIOUS INTENT:**

No person shall direct, encourage, cause, allow or otherwise aid or assist any dog to threaten, charge

at, intimidate, bite, harass, menace or attack any person. (Ord. 76-08, 11-3-2008)

## **7-6B-9: USE OF DOG IN ILLEGAL ACTIVITY PROHIBITED:**

No person shall keep, maintain, control or retain custody of any dog in conjunction with, or for the purpose, whether in whole or in part, of aiding, abetting or conducting illegal activity or committing any crime. (Ord. 76-08, 11-3-2008)

## **7-6B-10: IMPOUNDMENT, REDEMPTION AND DISPOSITION OF UNCLAIMED ANIMALS:**

A. Contract For Pound Or Shelter: The City Manager is hereby authorized to contract from year to year with any pound or animal shelter as defined by section 162.2 of the Code of Iowa for carrying out the provisions of this article including the collection, protection and disposition of dogs, cats and other animals and the collection of fees for licensing and care of seized and impounded dogs and cats.

B. Impoundment: Any unlicensed dog or cat except kennel dogs or cats and any licensed dog or cat found at large shall be subject to seizure and impoundment in a place provided by the City.

C. Notice To Owners Of Licensed Dogs Or Cats: Whenever any licensed dog or cat has been seized or impounded pursuant to this article, notice of such action shall be given as provided in this article.

### **D. Redemption:**

1. Except as otherwise provided, the possession of any licensed dog or cat seized or impounded pursuant to this article may be obtained by the owner or keeper by paying an impoundment fee as established by the City Manager, together with the separate daily fee for keeping such dog or cat each day or fraction thereof during the time that such dog or cat is impounded. Upon the second subsequent impoundment of the same animal within three hundred sixty five (365) days, an impoundment fee as established by the City Manager shall be assessed together with the separate daily fee for keeping such dog or cat each day or fraction thereof during the time which said dog or cat is impounded.

2. Upon proper identification the owner may redeem an unlicensed dog or cat seized or impounded pursuant to this article after licensing the animal or agreeing to purchase a license within ten (10) working days. Failure to do so shall result in an additional fee as established by the City Manager, added to the license fee.

#### E. Disposition Of Unredeemed Dogs:

1. Licensed Dog: If the owner or keeper of a licensed dog impounded pursuant to this article does not redeem such animal within seven (7) days after the mailing of the notice provided for in this article, the license shall automatically be revoked and the animal disposed of as directed by the City Manager.
2. Unlicensed Dog: Any unlicensed dog not redeemed by the owner within three (3) days after it has been seized or impounded shall be disposed of as directed by the City Manager.

#### F. Disposition Of Unredeemed Cats:

1. Licensed Cat: If the owner or keeper of a licensed cat impounded pursuant to this article does not redeem such animal within five (5) days after the mailing of the notice provided for in this article, the license shall automatically be revoked and the animal disposed of as directed by the City Manager.
2. Unlicensed Cat: Any unlicensed cat not redeemed by the owner within three (3) days after it has been seized or impounded shall be disposed of as directed by the City Manager. (Ord. 28-17, 6-5-2017)

## ARTICLE C. RABIES CONTROL

### 7-6C-1: VACCINATION REQUIRED:

- A. Dogs And Cats; Schedule: It shall be unlawful for the owner or keeper of any domesticated species of dog or cat to keep or maintain such animal unless the dog or cat shall be vaccinated against rabies by a licensed veterinarian with a vaccine approved by the Iowa Department of Agriculture and administered in accordance with the following schedule:

Class Of Animal	Age At Primary Vaccination	Booster <sup>1</sup>
Dogs	6 months	1 year later, triennially thereafter
Cats	6 months	Annually or 1 year later, triennially thereafter

Note:

1.Approved 3 year vaccine may be substituted.

**B. Ferrets; Schedule:** It shall be unlawful for the owner or keeper of any ferret to keep or maintain such animal unless the ferret shall be vaccinated against rabies by a licensed veterinarian with a vaccine licensed for the use in ferrets and administered in accordance with the following schedule:

Class Of Animal	Age At Primary Vaccination	Booster
Ferret	6 months	Annually

**C. Inactivated Nervous Tissue:** Inactivated nervous tissue vaccine may only be used in accordance with the rules of the Iowa State Department of Agriculture.

**D. Certificate Required:** A copy of the official rabies vaccination certificate approved by the Iowa State Department of Agriculture shall be a condition precedent to the issuance of any license authorized by this article.

**E. Veterinarian Furnish Copies:** Each veterinarian within the City limits shall forward to the City Manager by no later than the tenth of each month a copy of each official rabies vaccination certificate, with the owner's or keeper's address, issued by the veterinarian during the preceding month. (Ord. 28-17, 6-5-2017)

## **7-6C-2: CONFINEMENT AUTHORIZED:**

**A. Animal Suspected Of Having Rabies:** The owner or keeper of any dog or cat or other animal which has contracted rabies, or which has been subject to rabies, or which has bitten or caused skin abrasion to any person shall produce and surrender up such dog, cat or other animal to be held in confinement in a licensed veterinarian's animal hospital under the supervision of a licensed veterinarian and in quarantine for observation for a period of ten (10) days from the date the bite occurred at the expense of the owner or keeper of the animal.

**B. Quarantine Of Animal Bitten By Rabid Animal:** Any animal bitten or attacked by any known rabid animal shall be quarantined under direction of the Health Officer by being confined and in quarantine as provided above for a minimum of ninety (90) days.

**C. Application For Home Quarantine; Conditions:** The owner or keeper of any dog or cat or other animal which has bitten a person may apply to the City Manager to have the animal released for the purpose of home quarantine. Home quarantine may be permitted at the City Manager's sole discretion. If the City Manager allows home confinement, all of the following conditions must be met, including but not limited to:

1. The animal must have a current rabies vaccination. The vaccination certification must bear the description of the animal, the type of vaccine used, the expiration of the vaccination, and the signature of the veterinarian administering the vaccination.
2. The animal must have a current City license, if the animal is six (6) months of age or older.
3. The animal must not have been running at large at the time of the bite.
4. The animal has not previously bitten any person.
5. Prior to approval of home quarantine, the owner or keeper must have the animal examined by a veterinarian, licensed in the State of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. Such examination and certification must be repeated on the tenth day.
6. The owner or keeper must demonstrate to the satisfaction of the City Manager that the owner or keeper has the proper facilities and the ability to adequately and properly confine the animal to the owner or keeper's home or property during the quarantine period.
7. The owner or keeper must agree to immediately notify the City Manager of any changes in the animal's health or disposition, to allow representatives of the City Manager to enter upon the property and to examine the animal at any time and to immediately take the animal to a licensed veterinarian for examination at any time when directed by the City Manager.
8. The owner or keeper must agree to promptly pay all costs of veterinarian examinations during the quarantine period.
9. The owner or keeper must further agree to immediately surrender the animal at any time the City Manager determines that the home quarantine should be terminated, or at any time that any provisions or conditions of home quarantine are violated, in which event the animal shall be put in the custody of a licensed veterinarian of the State of Iowa in the City of Dubuque for the remainder of the quarantine period.
10. If the City Manager determines at any time that home confinement is not appropriate for the animal, quarantine at a veterinary hospital shall be ordered.
11. The person bitten, or, if a minor, the person's parent or guardian, must sign an acknowledgment indicating that the person has been advised of the risks of rabies, that if the animal disappears during home quarantine, the person may have to undergo postexposure rabies prophylaxis, and that the person does not object to home quarantine. The acknowledgment shall also relieve the City of Dubuque, its agents, officers, and employees from any liability if the animal disappears during home quarantine.
12. The owner or keeper shall also execute an indemnity agreement in favor of the City of Dubuque, which shall provide that the owner or keeper shall save harmless, defend and indemnify the City of Dubuque and its officers, agents and employees from any or all claims of any kind arising out of the home quarantine.
13. The owner or keeper shall agree in writing that if the animal disappears during the home quarantine, the owner or keeper shall indemnify the person bitten for any and all medical expenses incurred as a result of the disappearance of the animal. Acceptance of any such payments by the person bitten shall not in any way release the owner or keeper from any other liability the owner may have to the person bitten by reason of the animal bite. It shall be the sole responsibility of the person bitten, and not the responsibility of the City, to enforce such

agreement. This subsection shall not apply if the person bitten is the owner or keeper of the animal or any person residing with the owner or keeper.

D. Wild Animals: If an undomesticated or wild animal such as a skunk, bat, fox, raccoon or other carnivore bites a person, whether or not the animal's owner or keeper is known, the animal shall be humanely destroyed and examined for rabies immediately. (Ord. 28-17, 6-5-2017)

### **7-6C-3: REPORTING RABIES; NOTICE TO CITY MANAGER:**

- A. It shall be the duty of the owner or keeper of any cat, dog or other domesticated animal suspected of being rabid that has attacked, bitten or caused any skin abrasion upon any person to report such incident to the City Manager.
- B. It shall be the duty of the victim who has been attacked, bitten or caused a skin abrasion by any cat, dog or other domesticated animal suspected of being rabid to report such incident to the City Manager.
- C. It shall be the duty of any health care provider or veterinarian practice immediately to transmit information to the City Manager that may come to such health care provider or veterinarian practice through such health care provider's or veterinarian practice's professional capacity with reference to any person having been attacked, bitten or having skin abrasions by any dog, cat or other domestic animal. (Ord. 28-17, 6-5-2017)

### **7-6C-4: NOTIFICATION TO POLICE OR CITY MANAGER OF DEAD ANIMALS:**

Any person finding a dead dog or cat shall at once notify the Police Department or the City Manager. (Ord. 76-08, 11-3-2008)

### **7-6C-5: PUNISHMENT FOR HARBORING KNOWN RABID DOG, CAT OR OTHER DOMESTIC ANIMAL:**

Any person or keeper who shall knowingly harbor or keep any dog, cat or other animal infected with rabies, or with knowledge that their animal was bitten by a rabid animal, fails to report such incident to the City Manager or police, shall be punished as provided in section [1-4-1](#) of this Code. (Ord. 76-08, 11-3-2008)

## **7-6C-6: PROHIBITED ACTIONS AFTER MAYOR'S PROCLAMATION OF EMERGENCY:**

When the Mayor, pursuant to resolution of the City shall declare an emergency due to rabies:

- A. It shall be unlawful for the owner of any dog, cat or other domestic animal to permit such animal to be at large. Any dog, cat or domesticated animal found to be at large shall be deemed to be so with the permission or at the sufferance of its owner or keeper.
- B. It shall be unlawful for any person except the owner or keeper of a dog, cat or other domestic animal, or the owner's or keeper's agent to open any door or gate of any private premises for the purpose or result of setting such animal at large.
- C. Any licensed or unlicensed dog, cat or other domestic animal found at large shall be impounded by the City Manager or Police Department. (Ord. 76-08, 11-3-2008)

## **ARTICLE D. DANGEROUS ANIMALS**

### **7-6D-1: DEFINITIONS:**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings in this section:

**CITY:** The City of Dubuque.

**CITY MANAGER, CHIEF OF POLICE, AND CITY CLERK:** Those employees of the City of Dubuque duly appointed and holding those positions.

**DANGEROUS ANIMAL:** 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 animal(s) declared to be dangerous by the City Manager or the City Manager's designee; or
- C. The following animals which shall be deemed to be dangerous animals per se:
  1. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;

2. Wolves, coyotes and foxes;
3. Badgers, wolverines, weasels, skunks and mink;
4. Raccoons;
5. Bears;
6. All apes, baboons, macaques, monkeys and chimpanzees;
7. Alligators and crocodiles;
8. Scorpions;
9. Snakes that are:
  - a. Any member of the family atractaspidae, including but not limited to mole vipers and burrowing asps.
  - b. Any member of the family elapidae, voperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.
  - c. Any member of the superfamily henophidia, which are limited to reticulated pythons, anacondas, and African rock pythons;
10. Reptiles that are venomous;
11. Gila monsters;
12. Opossums; and
13. Any crossbreed of such animals which have similar characteristics of the animals specified above. (Ord. 28-17, 6-5-2017)

**7-6D-2: DOGS, CATS EXEMPTED:**

The provisions of this article shall not apply to domestic dogs or cats. (Ord. 76-08, 11-3-2008)

### **7-6D-3: KEEPING OF DANGEROUS ANIMALS RESTRICTED:**

No person shall keep, shelter, or harbor for any purpose within the City a dangerous animal except as provided in sections [7-6D-4](#), [7-6D-5](#), and [7-6D-7](#) of this article. (Ord. 76-08, 11-3-2008)

### **7-6D-4: EXCEPTIONS TO KEEPING AND LICENSING RESTRICTIONS:**

The prohibition contained in section [7-6D-3](#) of this article and the provisions of section [7-6D-5](#) of this article shall not apply to the keeping of dangerous animals in the following circumstances:

- A. The keeping of dangerous 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.
- B. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the City.
- C. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- D. The keeping of dangerous animals by a wildlife rescue organization, with appropriate permit from the Iowa Conservation Commission or the Iowa Department of Natural Resources.
- E. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to chapter 717F of the Iowa Code.
- F. A bona fide commercial pet shop licensed and inspected by the Iowa Department of Agriculture. Any such pet shop shall post in a conspicuous place, the following notice:

#### **NOTICE**

*Section [7-6D-3](#) of the City of Dubuque Code of Ordinances prohibits the keeping, sheltering or harboring for any purpose within the City of Dubuque, any dangerous animal, as defined in Section [7-6D-1](#). Dangerous animal includes, but is not limited to, the following:*

1. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
2. Wolves, coyotes and foxes;
3. Badgers, wolverines, weasels, skunks and mink;
4. Raccoons;
5. Bears;
6. All apes, baboons, macaques, monkeys and chimpanzees;
7. Alligators and crocodiles;
8. Scorpions;
9. Snakes that are:
  - a. Any member of the family *actinidae*, including but not limited to mole vipers and burrowing asps.
  - b. Any member of the family *elapidae*, *viperidae*, *crotalidae*, *actinidae*, or *hydrophidae* which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.
  - c. Any member of the superfamily *henophidia*, which are limited to reticulated pythons, anacondas, and African rock pythons.
10. Reptiles that are venomous;
11. Gila monsters;
12. Opossums; and
13. Any crossbreed of such animals which have similar characteristics of the animals specified above.

(Ord. 37-17, 8-7-2017)

## **7-6D-5: REGULATIONS FOR KEEPING:**

- A. Keeping Animal Confined: Any person keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or other enclosure approved by the Health Services Officer.
- B. Prohibited From Public Property: No person keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property,

public right-of-way, or any business establishment licensed by the City, or the property of another except when such animal is being transported while caged or confined.

C. Report Animal Missing: It shall be the duty of the animal keeper, shelterer or harborer to report to the City Manager/Police Department when a dangerous animal is found missing.

D. Keeping Animals Which Attack Or Bite Prohibited: No person shall keep, shelter or harbor a dangerous animal which has demonstrated without provocation to attack or bite. (Ord. 76-08, 11-3-2008)

#### **7-6D-6: GENERAL PROHIBITION AND DUTY:**

No person shall aid or cause any dangerous 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 or making any opening of any fence, enclosure or structure or by unleashing such animal. (Ord. 76-08, 11-3-2008)

#### **7-6D-7: SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS:**

A. Authority To Destroy: In the event that a dangerous animal is found at large upon public property, park property, public right(s)-of-way, or the property of someone other than its keeper, harborer or shelterer thereby creating a hazard to person or property, such animal may, in the discretion of the City Manager, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of dangerous animal found at large, nor shall it have a duty to notify the keeper, harborer, or shelterer of such animal prior to its destruction.

B. Procedure Upon Complaint; Order Removal Of Animal: Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City in violation of sections [7-6D-3](#), [7-6D-5](#) and [7-6D-6](#) of this article or that a person is keeping, sheltering or harboring a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the City Manager 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 [7-6D-4](#) of this article to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be in writing and delivered personally or by certified mail to the person keeping, sheltering or harboring the dangerous animal. Such order and notice to remove the dangerous animal shall not be required where the Health Services Officer determines that such dangerous animal has previously caused serious physical harm or death to any person in which case the Health Services Officer shall cause the animal to be immediately seized and

impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

C. Appeal; Notice; Hearing: The order to remove a dangerous animal issued by the City Manager may be appealed to the City Council. To appeal such order, written notice of appeal stating the grounds for the appeal must be filed with the City Clerk within three (3) days after receipt of the order and notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Health Services Officer.

1. The hearing on the appeal shall be within fourteen (14) days of the filing of the notice of appeal with the City Clerk. The hearing may be continued for good cause.
2. After such hearing, the City Council may affirm or reverse the order of the City Manager. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.
3. If the City Council affirms the action of the City Manager, the City Council shall order in its written decision that the person sheltering, harboring, or keeping such dangerous animal, remove such animal from the City, permanently place such animal with an organization or group allowed under section [7-6D-4](#) of this article to possess dangerous 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.

D. Seizure And Impoundment: If the order of the City Manager is not appealed and is not complied with within three (3) days of its issuance, the City Manager is authorized to seize and impound such dangerous animal. If the written decision of the City Council is not complied with within three (3) days of this issuance, the City Manager is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days.

E. Disposition Of Animal: If at the end of the impoundment period, the person against whom the decision and order of the City Manager or City Council was issued has not petitioned the Dubuque County District Court for review of said order, the City Manager shall cause the animal to be disposed of by sale, permanently place such animal to be disposed of by sale, permanently place such animal with an organization or group allowed under section [7-6D-4](#) of this article to possess dangerous animals, or destroy such animal in a humane manner. (Ord. 76-08, 11-3-2008)

## **ARTICLE E. POTENTIALLY VICIOUS DOGS**

### **7-6E-1: DEFINITION:**

A "potentially vicious dog" is a dog that:

- A. When unprovoked, on two (2) separate occasions, has engaged in any behavior that has required a defensive action by any person to prevent bodily injury when the person and dog were off of the property of the owner or keeper of the dog;
- B. When unprovoked, has attacked or bitten a person;
- C. When unprovoked, has inflicted a serious injury or caused the death of a domestic animal, either on public or private property other than the property of the owner or keeper; or
- D. When unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property other than the property of the owner or keeper, in a menacing fashion or apparent attitude of attack. (Ord. 76-08, 11-3-2008)

## **7-6E-2: PROCEDURE FOR DECLARATION OF POTENTIALLY VICIOUS DOG:**

- A. Basis For Declaration: The City Manager may find and declare an animal potentially vicious based upon the following:
  - 1. The written complaint of a citizen that the animal has acted in a manner set forth in section [7-6E-1](#) of this article;
  - 2. Dog bite reports filed with the Health Services Department;
  - 3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
  - 4. Other substantial evidence.
- B. Service Of Declaration Upon Owner: The declaration of a potentially vicious dog shall be in writing and shall be served on the owner or keeper in one (1) of the following methods: personally, by certified mail to the owner at the owner's or keeper's last known address, or if the owner or keeper cannot be served personally or by mail, by publication in a newspaper of general circulation in the County.
- C. Contents Of Declaration: The declaration shall state:
  - 1. The description of the animal;
  - 2. The name and address of the owner or keeper of the animal, if known;
  - 3. The whereabouts of the animal, if not in the custody of the owner or keeper;

4. The facts upon which the declaration of potentially vicious dog is based;
5. The owner's or keeper's right to a hearing if the person objects to the declaration;
6. The restrictions placed upon the animal as a result of the declaration of potentially vicious dog; and
7. The penalties for a violation of such restrictions.
8. If the City Manager so determines, that the owner or keeper be required to have microchip identification implanted in the dog.

D. Objections Of Owner: The owner or keeper may object to the declaration of potentially vicious dog by requesting a hearing before the City Manager by submitting a written request to the City Manager within ten (10) days of the date of mailing of the declaration, or within ten (10) days of the publication of the declaration.

1. If the City Manager finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
2. If the City Manager finds sufficient evidence to support the declaration, the City Manager shall provide the owner with written notice of such determination within five (5) working days after the hearing.
3. Prior to and pending the outcome of the hearing, the owner or keeper of a dog that has been declared potentially vicious must comply with all conditions and restrictions set forth by the City Manager.
4. If it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to this article. The owner or keeper of the dog shall be liable to the City or County where the dog is impounded for the costs and expenses of keeping the dog if the dog is later determined to be potentially vicious. When a dog has been impounded and it is not contrary to public safety, the animal control officer shall permit the animal to be confined at the owner's expense in a Health Services Department approved kennel or veterinary facility. (Ord. 28-17, 6-5-2017)

### **7-6E-3: NOTIFICATION OF STATUS OF POTENTIALLY VICIOUS DOG:**

- A. The owner or keeper shall immediately notify the Health Services Department when a dog which has been classified as potentially vicious:
1. Is loose or unconfined;
  2. Has bitten a human being or attacked another animal;
  3. Is sold or given away, or dies; or

4. Is moved to another address.
  
- B. Prior to a potentially vicious dog being sold or given away, the owner or keeper shall provide the name, address and telephone number of the new owner or keeper to the Health Services Department. The new owner or keeper shall comply with all the requirements of this chapter. (Ord. 76-08, 11-3-2008)

#### **7-6E-4: EXCEPTIONS TO CLASSIFICATION:**

- A. No dog may be declared potentially vicious if:
  1. Any injury or damage was sustained by a person who, at the time of the injury or damage was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime;
  2. The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or
  3. The injury or damage was sustained by a person or a domestic animal, which at the time of the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.
  
- B. No dog may be declared potentially vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. 76-08, 11-3-2008)

#### **7-6E-5: DISPOSITION OF POTENTIALLY VIOCUS DOG:**

- A. License And Vaccination; Fee: A potentially vicious dog shall be properly licensed and vaccinated. The potentially vicious designation shall be included in the registration records of the dog. The City may charge a potentially vicious dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog.
  
- B. Confinement; Restraint: A potentially vicious dog, while on the owner's or keeper's property, shall at all times be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially vicious animal may be off the owner's or keeper's premises only if restrained by a substantial leash, of appropriate length, and if the dog is under the control of a responsible adult and is humanely muzzled.

C. Notice Of Change Of Ownership And Location: If a potentially vicious dog dies, or is sold, transferred or permanently removed from the City, the owner or keeper of the dog shall notify the Health Services Department of the changed condition and new location of the dog in writing within two (2) working days. (Ord. 76-08, 11-3-2008)

## **ARTICLE F. VICIOUS DOGS AND CATS**

### **7-6F-1: DEFINITION:**

A "vicious animal" is deemed so when it has attacked or bitten any person on more than one (1) occasion without provocation or when an attack or bite results in serious bodily injury. (Ord. 28-17, 6-5-2017)

### **7-6F-2: PROCEDURE FOR DECLARATION OF VICIOUS ANIMAL:**

A. Basis For Declaration: The City Manager may find and declare an animal vicious based upon the following:

1. When the animal has attacked or bitten any person on more than one (1) occasion without provocation or when an attack or bite results in serious bodily injury.

B. Service Of Declaration Upon Owner: The declaration of a vicious animal shall be in writing and shall be served on the owner or keeper in one (1) of the following methods: personally, by certified mail to the owner at the owner's or keeper's last known address, or if the owner or keeper cannot be served personally or by mail, by publication in a newspaper of general circulation in the County.

C. Contents Of Declaration: The declaration shall state:

1. The description of the animal;
2. The name and address of the owner or keeper of the animal, if known;
3. The facts upon which the declaration of vicious animal is based;
4. The restrictions placed upon the animal as a result of the declaration of vicious animal;
5. The penalties for a violation of such restrictions;
6. If the City Manager so determines, that the owner or keeper be required to have microchip identification implanted in the animal; and

7. The owner or keeper must keep the vicious animal within the City and under the owner or keeper's ownership until resolution of the matter through City administration or the judicial system.

**D. Seizure And Impoundment:** If it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the animal pending the resolution pursuant to this article. The owner or keeper of the animal shall be liable to the City or County where the animal is impounded for the costs and expenses of keeping the animal if the dog is determined to be vicious. (Ord. 28-17, 6-5-2017)

### **7-6F-3: NOTIFICATION OF STATUS OF VICIOUS ANIMAL:**

A. The owner or keeper shall immediately notify the City Manager when an animal which has been classified as vicious:

1. Is loose or unconfined;
2. Has bitten a human being or attacked another animal; or
3. Dies.

B. A vicious animal may not be sold, given away, or moved to another location prior to resolution of the matter through City administration or the judicial system. (Ord. 28-17, 6-5-2017)

### **7-6F-4: EXCEPTIONS TO CLASSIFICATION:**

A. No animal may be declared vicious if:

1. Any injury or damage was sustained by a person who, at the time of the injury or damage was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime;
2. The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault; or
3. The injury or damage was sustained by a person or a domestic animal, which at the time of the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.

B. No animal may be declared vicious if the injury or damage to a domestic animal was sustained while the animal was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. 28-17, 6-5-2017)

## **7-6F-5: DISPOSITION OF VICIOUS ANIMAL:**

- A. License And Vaccination; Fee: A vicious animal shall be properly licensed and vaccinated. The vicious designation shall be included in the registration records of the animal. The City may charge a vicious animal fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the animal.
- B. Confinement; Restraint: A vicious animal, while on the owner's or keeper's property, shall at all times be kept indoors or in a securely fenced yard from which the animal cannot escape and into which people cannot trespass. A vicious animal may be off the owner's or keeper's premises only if restrained by a substantial leash, of appropriate length, and if the animal is under the control of a responsible adult and is humanely muzzled.
- C. Notice Of Death: If a vicious animal dies, the owner or keeper of the animal shall notify the City Manager of the death of the animal in writing within two (2) working days. (Ord. 28-17, 6-5-2017)