

**ORDINANCE NO. 2186**

**ORDINANCE AMENDING THE CITY OF FORT DODGE MUNICIPAL CODE  
Animal Protection and Control**

BE IT ORDAINED BY THE CITY COUNCIL OF FORT DODGE, IOWA:

**SECTION I**

This Ordinance amends the City of Fort Dodge Municipal Code Title 6 and amends Ordinance No. 2181

**SECTION II**

The Municipal Code of the City of Fort Dodge is hereby amended, rescinding Title 6 in it entirely, and replacing it with the following:

**6.01 Definitions.**

The following terms are defined for use in this chapter and in other chapters of this Code of Ordinances pertaining to animal protection and control.

**Abandon**

“Abandon” means ceasing to provide control over adequate shelter or food or water in excess of 24 hours for an animal without having made arrangements for said adequate shelter or food or water by another responsible person.

**Acreage**

“Acreage means” a plot of land within the city’s corporate limits equal to or greater than an acre.

**Adequate Food**

“Adequate food” means the provision at suitable intervals of not more than 24 hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in the animal. The foodstuff shall be served in a clean receptacle, dish or container.

**Adequate Shelter**

“Adequate shelter” means an occupied residence or doghouse or similar structure for each animal chained, tethered, penned or otherwise restrained or confined outdoors, that is appropriate for the animal’s condition, age, size and species and is clean, dry and has sides, floor and top that do not leak water with a cover over the doorway to keep rain and snow from entering the doghouse or structure and allows the animal unlimited access to and egress from the doghouse or structure that provides shade from the sun, and protection from the wind, rain, snow, and extremes of hot and cold. Clean bedding must also be provided when the ambient temperature falls below fifty degrees (50°) Fahrenheit. A portable pet carrier is not considered adequate shelter.

**Adequate Water**

“Adequate water” means a supply of clean, fresh potable water supplied in a sanitary manner at least twice daily at suitable intervals for the animal and not to exceed 12 hours at an interval.

**Animal**

“Animal” means a nonhuman vertebrate.

**Animal Control Officer**

“Animal Control Officer” means any person, whose primary responsibility is the enforcement of this chapter or state code, including public service officers, sworn peace officers and other persons as appointed by the Chief of Police.

**Animal Shelter**

“Animal Shelter” means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or State law.

**Assistance Animal**

“Assistance Animal” means an assistance dog, and may include other animals specifically trained at a recognized training facility to perform physical tasks to mitigate the effects of an individual’s disability. Assistance dogs include guide dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and, service dogs for individuals with disabilities other than blindness or deafness. Service dogs are any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual or other mental disability. These physical tasks include but are not limited to pulling a wheelchair, lending balance support, picking up dropped objects or providing assistance in a medical crisis. The work or tasks performed by a service dog must be directly related to the handler’s disability. The presence of an animal for comfort, protection or personal defense does not qualify as training to mitigate the effects of an individual’s disability and therefore does not qualify said animal as a service animal.

**Auction**

“Auction” means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owner.

**Bedding**

“Bedding” means straw, hay, cedar or pine wood shavings, or shredded newspaper, 4-6 inches thick, blankets, rugs, or other suitable material to maintain warmth and insulate the animal from the floor of the shelter.

**Bite**

“Bite” means any puncture, laceration, abrasion, scratch or any other break in the skin of a human being or animal, caused by an animal.

**Cat**

“Cat” means any member of the *felis domestica* family.

**Circus**

“Circus” means a commercial variety show featuring animal acts for public entertainment.

**Commercial Animal Establishment**

“Commercial animal establishment” means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or licensed kennel.

**Dangerous Animal**

“Dangerous Animal” means any dog, cat or other animal adjudicated by the Animal Control Officer, Board of Animal Appeals, or courts to be dangerous or an animal when:

1. It has bitten or aggressively attacked any person or other animal without provocation either on public or private property, or
2. If, in a dangerous or terrorizing manner, approaches any person or other animal and displays threatening or aggressive behavior.

**Dog**

“Dog” means any domesticated member of the *canis familiaris*, male or female, whether altered or not.

**Ferret**

“Ferret” means a domesticated animal of the type *Mustela putorius furo*.

**Grooming Shop**

“Grooming Shop” means a commercial establishment where animals are bathed, clipped, or otherwise groomed.

**Immediate Control**

The owner and person in control of an animal must be in the same outdoor physical proximity to said animal with the ability to physically restrain the animal from leaving the boundaries of the premises.

**Kennel**

“Kennel” means any premises wherein any person engages in the boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats. Boarding kennels and commercial kennels, as defined in Chapter 162 of the Code of Iowa, are considered kennels for the purpose of this chapter.

**Livestock**

“Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in §481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry. (Code of Iowa, §717.1)

**Owner**

“Owner” means any person 18 years of age or older, owning, keeping, harboring, or in control of one or more animals. An animal is deemed to be harbored if it is fed or sheltered for twenty four hours or more.

**Performing Animal Exhibition**

“Performing animal exhibition” means any spectacle, display, act or event other than a circus, in which performing animals are used.

**Pet**

“Pet” means any animal kept for pleasure rather than utility.

**Veterinary Hospital**

“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

**Vicious Animal**

1. Any dog, cat or ferret having previously been found to be “Dangerous” and that is subsequently found by the Animal Control Officer to have again bitten any person or domestic animal without provocation shall be declared “Vicious” and the owner notified in writing of such findings.
2. Any dog, cat or ferret having been found by the Animal Control Officer to have maimed or otherwise inflicted serious injury or attempted to maim or inflict serious injury upon any person or domestic animal without provocation shall be declared by the Animal Control Officer as “Vicious and the owner notified in writing of such findings.
3. Any dog, cat or ferret that has been found to have killed or attempted to kill a person or domestic animal without provocation shall be turned over to Animal Control Officer and shall be impounded pending destruction.
4. Any animal 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 county or state or of the United States or a branch of the armed forces of the United States.

**Wild Animal**

“Wild animal” means any animal as defined in Code of Iowa §717F.1(5)

**Zoological Park**

“Zoological Park” means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non domesticated animals operated by a person, partnership, corporation or government agency.

**6.02 Enforcement.**

The Animal Control Officer is responsible for the enforcement of the animal protection and control provisions of this chapter and shall work under the direction and supervision of the Police Chief and has arrest powers as necessary to carry out the duties of this chapter.

1. Municipal infractions will be issued for violations of this chapter unless noted in the specific section of the chapter.

### **6.03 Interference with Animal Control Officer.**

No person shall interfere with the Animal Control Officer while performing the duties authorized under this chapter. Any person who violates this section shall be guilty of a simple misdemeanor.

### **6.04 Running at Large.**

It is unlawful for any person to allow any dog, cat, or ferret, regardless of age, to run at large within the city. The fact that a dog, cat or ferret is running at large without the knowledge or permission of the owner of such dog, cat, or ferret is not a defense to any charge of a violation of this section. At large includes:

1. Off the premises of the owner or person given charge of the animal by the owner, unless:
  - a. The animal is on a leash, cord, chain or similar restraint not more than sixteen feet in length and under the control of a person mentally and physically competent to keep the animal under restraint at all times. Upon approaching or passing another person or animal the person in control of the animal shall retract the leash, cord, chain or similar restraint to no more than six feet. The person in control may release the leash, cord, chain or similar restraint up to sixteen feet only after passing such other person or animal.
  - b. The animal is properly contained within an occupied motor vehicle.
  - c. The animal is housed within a veterinary clinic, commercial animal establishment or animal shelter.
  - d. The animal is trained and used by a government agency and accompanied by the appropriate government agency handler.
  - e. The owner and the animal are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization, provided
    - i. The animal is in the actual physical presence of the owner or trainer at all times;
    - ii. The owner or trainer is at no time more than fifty feet from the animal;
    - iii. The animal is immediately obedient to the commands of the owner or trainer; and
    - iv. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the animal.
2. On the premises of the owner or person given charge of the animal by the owner unless:
  - a. The animal is restrained on those premises by leash, cord, chain, fence, operational invisible fence or other similar restraint that does not allow an animal to go beyond the owner's real property line, or
  - b. The animal is in the immediate presence and under the immediate control of the owner or person in charge of said animal and that person is mentally and physically competent to keep the animal under control at all times.

3. The dog and owner, or a person given charge of the dog by the owner, are in an off leash area of a city park as designated by the city or other city property, or in other non-city park property, provided:
  - a. The owner or person in charge of the dog and dog are at all times abiding by all the rules and regulations of such designated off leash area; and
  - b. The dog is in the actual physical presence of the owner or person given charge of the dog.
  - c. The dog has a current:
    - i. Dog park permit which is visible on the owner or person given charge of the dog; and
    - ii. City of Fort Dodge or other valid government issued dog license from the dog owner's place of residence; and
    - iii. The license and rabies vaccination tags must be visible on the dog or the owner or person given charge of the dog has such license and proof of rabies vaccination in their possession.
  - d. In addition to the requirements in subsection (3)a.—c. of this section, dangerous dogs must be on a leash in compliance with section 6.58 (1), (c) of this chapter and the owner or person given charge of a dangerous dog must have a certificate of insurance in their possession which meets the requirements of section 6.58 (1), (f) of this chapter.

#### **6.05 Animal Welfare.**

1. It shall be unlawful for any person to commit the following acts against an animal
  - a. A person commits abuse if the person intentionally beats, injures, maims, disfigures, or destroys an animal in any manner.
  - b. A person commits neglect who impounds or confines in any place and does any of the following: fails to supply the animal during confinement adequate water or adequate food or adequate shelter, or deprives of necessary sustenance.
  - c. A person commits animal torture, regardless of whether the person is the owner of the animal, if the person mutilates, causes unjustified pain, distress, suffering, or inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.
2. Any animal suspected of being abused, neglected or tortured may be taken into protective custody by the Animal Control Officer and impounded at the animal shelter.
3. Any person found guilty or pleads guilty to abuse, neglect, or animal torture shall not be eligible for licensing of animals within the city of Fort Dodge.
4. A person owning, harboring, or maintaining an animal or animals that have been convicted of five violations of the provisions of this Chapter shall be deemed to have committed neglect.
5. This section does not apply to an institution, as defined in Iowa Code 145B.1, or a research facility, as defined in Iowa Code 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

6. A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor.

#### **6.06 Damage or 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.

#### **6.07 Annoyance or Disturbance.**

It is unlawful for the owner, custodian or person exercising control of an animal to allow or permit such animal to cause serious annoyance or disturbance to any person or persons by frequent or habitual howling, yelping, barking, or otherwise; by running after or, chasing persons, bicycles, automobiles or other vehicles.

#### **6.08 Animal Waste.**

It is unlawful for any owner, custodian or person exercising control of any animal to permit or allow such animal to discharge or deposit on any property in which such person has no proprietary interest any feces and not make reasonable efforts to immediately collect and remove such waste. In the event any such animal does discharge or deposit such matter in such a location, and the owner, custodian or person exercising control of the animal is present, such person shall immediately remove and lawfully dispose of such matter. The person in control of an animal outside their own residence shall carry a device or container available to remove and properly dispose of said excrement or droppings. It is unlawful for the owner, custodian or person exercising control of any animal to permit excrement or droppings from said animal to collect on the premises of said person, causing odor or unsanitary conditions.

#### **6.09 Exemptions.**

Police service animals shall be exempt from the provisions of this chapter during the performance of their duties.

#### **6.10 Animal in Motor Vehicle.**

No person shall leave an animal unattended in, or tethered to, a standing or parked vehicle in excess of 15 minutes when the outdoor temperature is greater than 75 degrees Fahrenheit. The Animal Control Officer, public safety officer or police officer may use reasonable means to remove an animal from a motor vehicle when there is an apparent violation of this section.

#### **6.11 Animal Involved in Motor Vehicle Accident.**

Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained or located, such operator shall at once report the accident to the appropriate law enforcement agency.

#### **6.12 Abandonment.**

No person shall abandon any animal within the corporate limits.

#### **6.13 Animals as Prizes.**

No person shall give away or auction any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement or offer such animal, fish, reptile or bird as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

#### **6.14 Performing Animal Exhibitions.**

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on a performing animal shall fit properly and be in good working condition.

#### **6.15 Sale of Fowl as Pets or Novelties.**

No person shall sell or offer for sale, barter or give away baby chicks, ducklings or other fowl as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purpose.

#### **6.16 Disposal of Deceased Animals.**

1. No person shall place any dead animal in any street, alley or other public place in the city or allow any dead animal which he or she owned or for which he or she had control to remain in any street, alley or other public place or on the premises of any person within the city for more than five hours. If an animal dies in any street, alley or other public place or on the premises of any person within the city, the person who owned or had possession and control of the animal prior to death shall remove or cause to be removed the carcass within five hours from the time the animal dies and shall have the carcass properly and legally disposed of.
2. The owner, possessor and all persons having knowledge of any dead animal in the city shall report such to the Communications Center, giving the name of the person who owned or had possession or control of the animal prior to its death and the place where the animal may be found. The Communications Center shall immediately notify Animal Control Officer and they will notify the person who owned or had possession and control of such animal to cause the animal to be removed and properly and legally disposed of as provided by section(1) of this section.

#### **6.17 Maximum Number of Dogs, Cats and Ferrets Allowed.**

No person shall harbor or maintain such number of animals as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises, or create any other conditions constituting a nuisance. If such conditions exist, the Chief of Police or his/her designee is authorized to make investigation, issue a citation for violation of this section. After proper notice and hearing on said citation the judicial magistrate for Webster County, Iowa may order such relief, including but not limited to limiting to the number of animals at such premises necessary to correct the unhealthful, unsanitary or other conditions constituting a nuisance. Upon the failure of the person or persons to follow the order issued by said magistrate the city may take action to enforce said ruling.



### **6.18 Wild Animals Prohibited.**

No person shall keep or permit to be kept on his or her premises any wild animal, as defined in Iowa Code Section 717F.1, for any purpose including display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, wildlife sanctuaries, and holder of a wildlife rehabilitation permit, performing animal exhibitions or circuses. No person shall keep or permit to be kept any wild animal as a pet. Any wild animal found within the City limits is subject to immediate seizure as contraband. Any animal so seized shall be held for three business days and if the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition the humane society may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. The Animal Control Officer has the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival. Any person who violates this section shall be guilty of a simple misdemeanor.

### **6.19 Restraint of Animals.**

An owner may use a chain or other tether to restrain an animal under the following conditions:

1. No animal shall be restrained by a chain or other tether for more than fourteen hours in a twenty-four hour period.
2. The chain or other tether must be at least ten feet in length.
3. The chain or other tether must be attached to a stable, fixed object and to a properly fitting collar or harness worn by the animal. Choke or prong collars are prohibited.
4. The chain or other tether shall not weigh more than one-eighth of the animal's body weight.
5. The chain or other tether must have swivels on both ends.
6. Chaining or tethering must be done in a manner to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in strangulation or injury to the animal.
7. Chaining or tethering must be done in a manner to permit the animal to consume adequate food and adequate water and unlimited access to adequate shelter.
8. The chained or otherwise tethered animal cannot leave the property of the owner.
9. No person shall chain or otherwise tether an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street, alley, or private property other than the owners.

### **6.20 Irresponsible Animal Ownership.**

1. Any animal owner that has been convicted of three violations of this chapter shall be designated an irresponsible animal owner.
2. If an animal owner is convicted of a fourth violation of this chapter, and after proper notice and hearing to the animal owner, the magistrate sitting in Webster County, Iowa may order the confiscation of all animals and no licenses shall be issued to anyone at the irresponsible animals owners residence for a period of thirty-six months. Upon the failure of the person or persons to follow the orders issued by the magistrate appropriate action may be pursued in the court to enforce the order.
3. No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person at the same address.

### **6.21 Citation for Violations.**

The Chief of Police or his/her designee is authorized to issue and deliver citations to persons accused of violating any of the provisions of this chapter. Nothing in this Chapter shall be construed so as to limit the City's authority to proceed in accordance with other law concerning animal control.

### **6.22 Dog, Cat, and Ferret License Required.**

All dogs, cats, and ferrets over the age of four months shall be licensed with the city of Fort Dodge. This requirement does not apply to nonresident owners keeping a dog, cat or ferret within the City for less than thirty days in twelve consecutive months.

### **6.23 Transfer of License and Change of Address.**

1. A person who takes ownership of a previously licensed dog, cat, or ferret shall, within 5 days of the transfer, notify the Fort Dodge City Clerk's Office of the transfer.
2. When a dog licensed in one county or city is permanently transferred to this city, the owner shall surrender the original license to the City Clerk or his or her designee. The City Clerk or his or her designee shall retain the surrendered tag and, without license fee, shall issue a new license tag pursuant to this article.
3. The City Clerk or his or her designee shall note on the license record the fact that the newly issued license tag is issued as a transfer and is in lieu of a surrendered license.
4. The owner of a dog, cat or ferret shall notify the City Clerk of any change of address within five days of changing place of residence within the City of Fort Dodge.

### **6.24 Copy of Ordinance Provided with License.**

Upon request of a first time licensee the Fort Dodge City Clerk shall provide a copy of this ordinance. The obligations of this section may be satisfied by e-mailing a copy of the ordinance or directing the person to the on-line Code of Ordinances for the City of Fort Dodge.

### **6.25 License Application.**

Written application for a dog, cat, or ferret license shall be made to the Fort Dodge City Clerk. Such applicant shall provide a rabies certificate from a licensed veterinarian which contains the tag number and expiration date of the rabies vaccination, evidence that the animal has or has not been spayed or neutered, and the name, color, sex and breed of the dog, cat or ferret. The applicant shall also provide the name, address, phone number, and date of birth of the owner. No license shall be issued to a person under the age of 18. The application must be made within thirty days after obtaining a dog, cat or ferret over the age of four months.

### **6.26 License Term.**

The animal licensing period begins January 1<sup>st</sup> of each year, unless issued in conjunction with a rabies vaccination and runs one year or two years from date issued, based on the license purchased by the animal owner. The surcharge will be assessed if the license is not renewed within 30 days following the expiration of the existing license.

### **6.27 License Expiration.**

All animal licenses shall expire one year or two years from the date of issuance based on whether the animal owner purchased a one or two year license.

#### **6.28 License Tags.**

1. Upon acceptance of the license application and fee, the Fort Dodge City Clerk shall issue a durable tag, stamped with an identifying number. Tags shall be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
2. Dogs, cats and ferrets must wear the city issued license tag at all times when off the premises of the owners. Any dog, cat or ferret found without the city issued license tag when off the premises of the owner may be impounded. The owner shall display the city issued license tag, rabies vaccination tag, and rabies vaccination certificate to the Animal Control Officer upon demand.
3. The Fort Dodge City Clerk shall maintain a record of the identifying numbers of all city license tags issued and shall make this record available to the public.

#### **6.29 License Fees.**

The Fort Dodge City Clerk or his or her designee shall maintain a record of the identifying numbers of all city license tags issued and shall make this record available to the public.

1. Any person who fails to obtain a license as required within the time period specified shall be charged a license fee surcharge in the amount set in the schedule of fees adopted by the city council by resolution.
2. License fees in the amount set in the schedule of fees adopted by the city council by resolution for the different license types.
3. Animal owners who purchase a two year license will receive licenses at a reduced price as set in the schedule of fees adopted by the city council by resolution.

#### **6.30 Duplicate Animal License.**

A duplicate animal license may be obtained upon payment of the replacement fee in the amount set in the schedule of fees adopted by the city council by resolution provided the license is still valid.

#### **6.31 Non-transferability of License.**

No person may use any license for any animal other than the animal for which it was issued.

#### **6.32 Impoundment.**

1. Any impounded animal shall be housed, fed, and cared for in a humane manner, at the animal shelter.
2. If by license tag or other means the owner of the impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone, mail or written notice left at location believed to be the animal's place of residence.
3. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or Animal Control Officer deems the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized.

4. Any ill or injured animal brought to the animal shelter by the Animal Control Officer, or any animal which becomes ill or injured shall not be returned to the owner. The ill or injured animal shall be evaluated and treatment prior to release.

### **6.33 Reclaiming Impounded Animals.**

1. An impounded animal may be reclaimed by the owner provided the owner obtains or provides written proof of current City License and current rabies vaccination. The owner shall pay to the animal shelter the daily boarding fees as established by contract between the City and the animal shelter for each day during which the animal has been kept within the animal shelter, veterinarian expenses, together with an impoundment fee as set in the schedule of fees adopted by the city council by resolution.
2. The impoundment fees collected are the property of The City of Fort Dodge and shall be forwarded to the City Clerk on a monthly basis. All fees shall be paid by credit card, debit card or in cash.
3. The refusal to reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal.

### **6.34 Disposition of Animals Not Reclaimed.**

1. Unlicensed impounded animals shall be declared abandoned after four business days.
2. Licensed animals shall be declared abandoned after seven business days.
3. Any animal not reclaimed by its owner within four business days after impoundment or in the event notice was given to the owner within seven business days, shall be placed for adoption in a suitable home, or humanely euthanized.
4. **Adoption.** A person seeking to adopt an animal shall:
  - a. Pay an adoption fees in the amounts to cover the costs of boarding the animal from the time it was delivered to the shelter to the time of adoption, city license fee, vaccinations as required by this ordinance and surgical sterilization.
  - b. If an animal is too young to submit to vaccinations or to surgical sterilization, the person shall agree in writing to surgical sterilization of the adopted animal within a designated time period. Upon submission of written proof of compliance from a veterinarian, the amount set in the schedule of fees adopted by the city council by resolution shall be refunded to the person adopting the animal. The Animal Control Officer or his or her designee shall be authorized to seize and impound the animal for the purpose of administering vaccinations and surgical sterilization as necessary.
  - c. The Chief of Police is authorized to promulgate further rules to affect such an adoption process.
  - d. The city shall reserve the right to reject any and all adoptions for any purpose the city deems necessary, including but not limited to health concerns.
  - e. The city takes no responsibility nor makes any warranties or assumes any liability for the condition of the animal adopted.

### **6.35 Adoption to Original Owner.**

No animal shall be adopted back to the owner of the animal to avoid paying reclaim fees and citations issued.

#### **6.36 Report of Impoundment.**

The animal shelter contracted by the city of Fort Dodge shall provide the Fort Dodge Police Department with a report which details the disposition of all animals brought to the animal shelter by the Animal Control Officer. This report will give the details about the animal, owner if known, location animal was picked up at and dates of the impoundment at the shelter. This disposition report shall be provided to the Fort Dodge Police Department by the 10th of each month for the preceding month.

#### **6.37 Penalty in Lieu of Impoundment.**

In addition to or in lieu of impounding an animal, the Animal Control Officer may issue to the known owner of such animal a civil citation for violations of this ordinance.

#### **6.38 Rabies Vaccination.**

Every owner of a dog, cat or ferret shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or harbor a dog, cat or ferret in said person's possession, four months of age or over, which has not been vaccinated against rabies. Rabies vaccination shall not be required if the owner of said dog, cat or ferret provides a written exemption from a licensed veterinarian.

#### **6.39 Rabies Vaccination Certificate and Tag.**

1. Every dog, cat or ferret over 4 months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when off the owner's premises. The owner shall display the rabies vaccination certificate, or veterinarian's exemption statement, to the Animal Control Officer on demand.
2. The owner shall notify the veterinarian who most recently vaccinated their dog, cat or ferret for rabies of any change of address within 5 days of moving.
3. When permanent ownership of a dog, cat or ferret is transferred, the original owner must notify the veterinarian who most recently vaccinated their dog, cat or ferret for rabies that they are transferring ownership and the new owner's name, address and telephone number within 5 days after the transfer.

#### **6.40 Veterinarian Reporting Requirements.**

Each veterinarian within the City of Fort Dodge shall forward to the Fort Dodge City Finance Department by the 10th day of each month a copy of each certificate of rabies vaccination issued by such veterinarian during the preceding month; unless such information is provided as part of a City of Fort Dodge Animal License Application submitted by such office. Each certificate of vaccination shall be typed or printed as to be clearly legible. Every veterinarian shall report to the Fort Dodge Police Department the name and address of the owner of any animals treated for bites inflicted by another animal.

#### **6.41 Report of Bite Required.**

Any person having knowledge of any dog, cat, ferret or other animal bite upon any person or other animal which bite occurred within the City of Fort Dodge, shall immediately report such

fact to the Fort Dodge Police Department. It is the duty of health care professionals and veterinarians to report to the Fort Dodge Police Department the existence of any animal known or suspected to be suffering from rabies. This section shall not apply if said bite occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility has actual knowledge that the animal is currently inoculated for rabies and has a certification to prove such inoculation. In such cases reporting of a bite shall be discretionary with the veterinary hospital or clinic.

#### **6.42 Animal Bite Quarantine Requirements.**

The owner of any animal that has caused a bite upon a person or other animal, or is suspected of having rabies or other diseases communicable to humans, shall immediately place the animal in quarantine for 10 days as provided in the ordinance. All costs of such quarantine shall be paid by the owner of the animal as listed in section (6.45) of this ordinance.

1. The owner of an animal that has been reported as having inflicted a bite upon a person or other animal shall, on demand, produce the animal for quarantine to the Animal Control Officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite or skin abrasion upon a person or other animal.
2. If the owner of the animal cannot provide written proof of current rabies vaccinations or the animal has previously bitten, the animal shall be quarantined at the animal shelter for 10 days from the date of the bite.
3. If the owner can provide written proof of current rabies vaccination, the owner of the animal may quarantine the animal at the premises of the owner for 10 days from the date of the bite.
  - a. The owner of the animal shall sign that the animal will be quarantined in the manner directed, and the animal shall be confined to one room or kennel inside the owner's residence and shall not be exposed to any other animal or person except the one adult person who will be caring for the animal during the quarantine period.
  - b. The animal shall not be allowed outside unless it is on a leash of sufficient strength to hold the animal and the one adult person who is caring for the animal shall be holding the leash at all times while the animal goes outside long enough to eliminate then it shall go immediately back into the room or kennel inside the owner's residence. If the animal is found to be outside the quarantine area or outside the owner's residence without the owner present, the animal shall be impounded and remainder of the quarantine shall be at the animal shelter or veterinary clinic. Any costs incurred to impound the animal shall be paid by the animal's owner.
4. In the event the rabies suspect animal is stray and too dangerous for the animal shelter to handle, the animal may be euthanized and a specimen shall be sent to a qualified facility for rabies testing.
5. In the event a rabies suspect animal becomes ill, dies or is euthanized before the 10 days quarantine has expired, a specimen shall be sent to a qualified facility for testing. Any cost incurred in the testing shall be paid by the owner, if the owner is known.
6. No vaccination for rabies shall be given to an animal during a quarantine period.

#### **6.43 Reclaiming Animal After Quarantine.**

The owner of an animal that has been quarantined may reclaim the animal after the owner has arranged for the animal shelter to give the animal a current rabies vaccination, purchased the required City License for such animal, and pays all costs by credit card, debit card or in cash.

The following are the costs that shall be paid prior to the animal being released from quarantine:

1. Animal Control fee
2. Spay/neuter deposit
3. Per day boarding
4. City License as required
5. Veterinarian expenses
6. Rabies testing (if required)
7. If the animal is not claimed after the ten-day period, it may be humanely destroyed or put up for adoption as provided in section (6.36) of this ordinance.

#### **6.44 Permit Required.**

No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this ordinance.

#### **6.45 Issuance of Regulations.**

The Council shall promulgate regulations for the issuance of permits and shall include requirements for the humane care of all animals and for compliance with the provisions of this chapter and other applicable provisions of this Code of Ordinances, City zoning requirements and State law. The Council may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. Upon a showing by an applicant for a permit that said person is willing and able to comply with the regulations promulgated by the Council, a permit shall be issued upon payment of the applicable fee.

#### **6.46 Permit Term.**

The permit term shall begin with the calendar year and shall run for one year and a day from the date of issue. Renewal applications for permits shall be made thirty days prior to and up to thirty days after the start of the calendar year without penalty. Application for a permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time.

#### **6.47 Transfer of Commercial Establishment.**

If there is a change in ownership of a commercial animal establishment, the new owner shall have the current permit transferred to the new owner's name upon payment of a transfer fee in the amount set in the schedule of fees adopted by the city council by resolution. The new owner shall notify the clerk within 5 days after the transfer.

#### **6.48 Fees.**

Permits shall be issued upon payment of the applicable fees, as set in the schedule of fees adopted by the city council by resolution.

#### **6.49 Separate Permits for Separate Facilities.**

Every facility regulated by this chapter shall be considered a separate enterprise and requires an individual permit.

**6.50 Kennel Animals to be Licensed.**

A kennel permit shall not be issued unless all dogs, cats or ferrets within the kennel qualify for an individual license. Along with the kennel permit, there shall be issued an individual license for each dog, cat or ferret within the kennel at no extra charge.

**6.51 Exemptions from Fees.**

No fee is required of any veterinary hospital, animal shelter or government operated zoological park.

**6.52 Reclassification.**

Any person who has a change in the category under which a permit was issued is subject to reclassification and appropriate adjustment of the permit fee shall be made.

**6.53 Revocation of Permit.**

The Council may revoke any permit if the person holding the permit refuses or fails to comply with the animal control provisions of this Code of Ordinances, the regulations promulgated by the Council or any law governing the protection and keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, properly and legally dispose of all animals owned, kept or harbored and no part of the permit fee shall be refunded.

**6.54 Denial of Issuance of Permits.**

If the applicant has withheld or falsified any information on the application, the Clerk shall refuse to issue a permit. No person who has been convicted of an Animal Welfare violation per this chapter or State Code shall be issued a permit to operate a commercial animal establishment. Any person having been denied a permit may not reapply for a period of one year.

**6.55 Breeding Permit.**

1. No kennel, commercial breeder, or pet store shall cause or allow any dog, cat or ferret owned or harbored to breed without first obtaining a breeding permit. The City Clerk shall administer a permit program to allow the breeding of dogs, cats or ferrets consistent with the criteria and according to procedures contained in this chapter and all other standards of care governing such activities.
2. Each applicant who is issued a permit to breed dogs, cats or ferrets under this section shall pay a breeding permit fee as set in the schedule of fees adopted by the city council by resolution.
3. Breeding permits shall be valid for 12 months, renewable on an annual basis. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:
  - a. No offspring may be sold or adopted and permanently placed until reaching an age of at least 8 weeks and having received age appropriate health testing.



- b. No offspring may be sold or adopted until they have begun a course of disease prevention and immunization against common diseases under the direction of a licensed veterinarian;
- c. Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit numbers in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing an animal bred by the permit holder
- d. The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals and all other standards of care governing such activities.

#### **6.56 Dangerous Animal Declaration.**

1. The Animal Control Officer, in his or her discretion or upon receipt of a complaint and conducting an investigation alleging that an animal is a Dangerous Animal as defined in this chapter, may declare such animal a Dangerous Animal by issuing a civil citation for Dangerous Animal and a notice of Dangerous Animal to the owner.
2. Any dog, cat or ferret having been found by Animal Control Officers to have bitten any person or domestic animal without provocation shall be declared dangerous.
3. Any dog, cat or ferret having been declared dangerous by animal control of another city, county or adjudicated by the court, will carry the same declaration if the animal is relocated within the city limits of the City of Fort Dodge.
4. Any dog, cat or ferret declared dangerous by the Animal Control Officer, Board of Animal Appeals or adjudicated by the court shall immediately be confined pursuant to this section (6.58).

#### **6.57 Vicious Animal Declaration.**

1. Any dog, cat or ferret having previously been found to be dangerous and that is subsequently found by the Animal Control Officer to have again bitten any person or domestic animal without provocation shall be declared vicious and the owner notified in writing of such findings.
2. Any dog, cat or ferret having found by the Animal Control Officer to have maimed or otherwise inflicted serious injury or attempted to maim or inflict serious injury upon any person or domestic animal without provocation shall be declared vicious and the owner notified in writing of findings.
3. Any dog, cat or ferret that has been found to have killed or attempted to kill a person or domestic animal without provocation shall be turned over to the Animal Control Officer and shall be impounded pending destruction.
4. Any dog, cat or ferret declared vicious by the Animal Control Officer, Board of Animal Appeals or adjudicated by the court shall immediately be removed from the City of Fort Dodge or be immediately impounded and humanely destroyed at the owner's expense.
5. Any "Vicious" animal within the city of Fort Dodge that is in violation of chapter (6.59) for a second time shall, at the owner's expense be immediately impounded, humanely destroyed and the owner charged under this section.

6. Any dog, cat or ferret that having been declared vicious by another city, county or adjudicated by the court will not be allowed within the City of Fort Dodge.
7. The owner may appeal the finding of the Animal Control Officer to the Board of Animal Appeals.
8. Failure to comply with an order of the Animal Control Officer issued pursuant to this section and not successfully appealed shall constitute a simple misdemeanor.

#### **6.58 Confinement of Dangerous Animals.**

1. At the time of the issuance of civil citation for dangerous animal, the owner shall turn the animal over to the Animal Control Officer. The animal will be confined at the animal shelter at the owner's expense pending the hearing by the Board of Animal Appeals or Magistrate court hearing. The owner will provide to the Animal Control Officer written proof of current rabies shot and city license.
  - a. An animal declared dangerous shall be removed from the city or securely confined within an occupied house or residence or;
  - b. An animal declared dangerous shall be confined within a securely enclosed and locked pen, kennel or structure which contains an adequate shelter. All pens, kennels or structures designed, constructed or used to confine dangerous animals shall be locked with a key or combination lock when such animals are within the pen, kennel or structure. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or walls at least six feet in height and at least six feet taller than any internal adequate shelter and a secure bottom, floor or foundation attached to the sides of the pen, kennel or structure, or the sides of the pen, kennel or structure must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined animal.
  - c. All pens, kennels or structures erected to house dangerous animals shall comply with all city zoning and building regulations. All such pens, kennels, or structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.
  - d. No person shall permit an animal declared dangerous to go outside unless such animal is secured with a leash no longer than four feet in length and wearing a muzzle. No person shall permit an animal declared dangerous to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the animal and the leash are under the physical control of a person 18 years of age or older.
  - e. No animal declared dangerous shall be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
  - f. An animal declared dangerous which is found, at any time, not to be confined as required by this article shall be seized and transported to the animal shelter until such time adjudicated by the court or not contested as a dangerous animal by the owner.
  - g. An owner of an animal alleged to be dangerous or found to be dangerous, as a condition of keeping the dangerous animal, shall provide the City Clerk a

certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000 for the injury or death of any person or for damage to property of others and for acts of negligence by the owner or his or her agents, in keeping or owning the dangerous animal. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of a certificate, a copy of a current homeowners' policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that an animal is dangerous; however, if after 30 days a certificate of insurance or a policy has not been submitted, the animal shall be impounded.

- h. Upon affirmation by the Board of Animal Appeals or expiration of the appeal time, the animal, before release shall have implanted at the owner's expense by the animal shelter a veterinary microchip animal I.D./recovery device.
2. If, at the time of the issuance of civil citation for dangerous animal, the owner does not agree to confine the animal pursuant to this chapter, or if the animal is not licensed per this chapter, the animal shall be seized and transported to the animal shelter until such time adjudicated by the court or not contested as a dangerous animal by the owner.

#### **6.59 Adjudicated or Non-contested Dangerous Animal.**

1. If an animal has been adjudicated by the courts, Board of Animal Appeals or is not contested as a dangerous animal by the owner as being a dangerous animal, the owner of the dangerous animal shall immediately have a microchip implanted in the animal. The owner of the dangerous animal shall obtain a dangerous animal license by paying the established fee. The dangerous animal tag and the annual city license tag shall be attached to the animals collar at all times.
2. An animal adjudicated or not contested as a dangerous animal by the owner as being dangerous shall be sterilized within thirty days or provide written proof that such sterilization has previously taken place.
3. An owner of an animal adjudicated to be dangerous by the courts or not contested as a dangerous animal, as a condition of keeping the dangerous animal, shall provide the City Clerk a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000 for the injury or death of any person or for damage to property of others and for acts of negligence by the owner or his or her agents, in keeping or owning the dangerous animal. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of a certificate, a copy of a current homeowners' policy

designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is dangerous; however, if after 30 days a certificate of insurance or a policy has not been submitted, the animal shall be impounded.

4. All expenses incurred while the animal is impounded or quarantined shall be paid in cash by the owner of the animal regardless of whether the animal is adjudicated a dangerous animal.

## **Board of Animal Appeals**

### **6.60 Organization.**

A Board of Animal Appeals consisting of three members each to be appointed by the mayor with the approval of the city council for a term of three years, excepting when the board shall first be created. One member shall be appointed for a term of three years, one member for a term of two years and one member for a term of one year. One of the board members shall be a licensed veterinarian practicing veterinary medicine within the city. One member shall be a resident who is a dog, cat or ferret owner. One member shall be a resident of the city that does not have a dog, cat or ferret.

1. Member shall be removed for cause by the appointing authority upon written charges and after a public hearing.
2. Vacancies shall be filled for unexpired terms of members whose term becomes vacant.
3. Member shall serve without pay and may be reimbursed for actual and reasonable expenses.

### **6.61 Meetings-Rules of Conduct.**

The Board of Animal Appeals shall adopt rules necessary to conduct its affairs in keeping with the provisions of this chapter and subject to council approval. Meetings shall be held at the call of the chair and at such other times as the board may determine.

1. The board shall elect its own chair and the chair or in his absence, the acting chair may administer oaths and compel attendance of witnesses.
2. All meetings shall be open to the public.
3. The board, through its secretary, to be appointed by the board, shall keep minutes of its proceedings showing vote of each member on each question, or if absent or failing to vote, indicate such fact.
4. It shall keep records of its examinations and other official acts which shall be immediately filed in the office of the board and shall be public record.

### **6.62 Jurisdiction.**

The Board of Animal Appeals shall have jurisdiction to hear and decide appeals where it is alleged there is an error in the findings of the Animal Control Officer in declaring a dog, cat or ferret to be dangerous or vicious.

### **6.63 Appeals Procedure.**

Appeals to the board concerning findings of the Animal Control Officer shall be initiated by filling a notice of appeal specifying the grounds there for.

1. The Animal Control Officer shall send all documents of their investigation to the board.
2. The board shall fix a reasonable time for the hearing of the appeal and shall give not less than five days public notice thereof by written notice to the appellant and the public through the news media.
3. The board shall decide on the appeal within fifteen days of the hearing.
4. At the hearing, any party may appear in person, by agent or by attorney.
5. An appeal stays all proceeding in furtherance of the action appealed from unless the Animal Control Officer certifies to the board that the stay would, in his opinion, cause imminent peril to life and property.
6. The board may reverse or affirm the decision of the Animal Control Officer.
7. Any person aggrieved by the decision of the board of appeals may seek review of that decision as by the law of Iowa.

### SECTION III

The Municipal Code of the City of Fort Dodge is hereby amended, rescinding Subsection (8) of Chapter 9.44.020 Rules and Regulations.

### SECTION IV

That upon enactment of this Ordinance as by law provided that the City cause the change to be made and make notation in ink thereon of reference to the date of passage and approval of this amendatory Ordinance.

### SECTION V

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### SECTION VI

This Ordinance shall be in full force and effect from and after its publication as provided by law.

The above Ordinance passed and adopted by the City Council of the City of Fort Dodge, Iowa this 23rd day of September 2013.

First consideration 23rd day of September 2013.

Ayes: Patterson, Flattery, Wilson, Fritz, Alstott, Taylor and Hill

Nays: None

Other: None

City Council waived the second and third reading of the Ordinance and adopt same.

Second consideration 23rd day of September 2013.

Ayes: Patterson, Flattery, Wilson, Fritz, Alstott, Taylor and Hill

Nays: None

Other: None

Third consideration 23rd day of September 2013.

Ayes: Patterson, Flattery, Wilson, Fritz, Alstott, Taylor and Hill

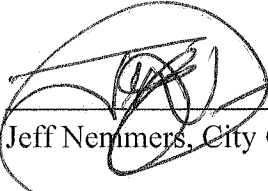
Nays: None

Other: None

City of Fort Dodge, Iowa

BY:   
Matt Bemrich, Mayor

ATTEST:

  
Jeff Nemmers, City Clerk

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