

CHAPTER 1 ANIMAL CONTROL-DOGS

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4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean both male and female animals of the canine species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. The term "owner" shall mean any person or persons 18 years of age or older, firm, association or corporation owning, keeping, sheltering, or harboring an animal. (Code of Iowa, Sec. 351.2)

4-1-2 LICENSE. Every owner of a dog over the age of three (3) months shall procure a dog license from the City Clerk on or before the first day of May of each year. The annual license fee shall be five dollars (\$5.00) for each spayed or neutered dog and ten dollars (\$10.00) for each non spayed or neutered dog. A penalty of \$3.00 per month shall be assessed for failure to pay the license fee when due.

4-1-3 LICENSE ISSUED. Upon payment of the license fee, the City Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog. The City Clerk shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued.

4-1-4 VIOLATION. It shall be a violation of this ordinance for any owner to own or possess a dog over the age of three (3) months within the City of Merville without obtaining a license in compliance with this section.

4-1-5 Immunization. Every owner of any dog over the age of three months shall, when procuring a dog license from the city clerk, shall present to the city clerk a certificate from a qualified doctor of veterinary medicine that such dog has had immunization against rabies.

A. The clerk shall not issue any dog license until evidence is shown certifying a rabies vaccination of the dog by a licensed veterinarian. Said certification shall show the primary breed of the dog, the date of inoculation, and shall be valid for a period of two years unless some lesser time is shown on the certificate. An owner presenting a certificate that will expire less than six months from the date the license is issued shall be required to file a subsequent certificate as described in part B hereof as if the dog obtained the age of three months on the date the certificate expired.

B. If any dog for which a license has been obtained which has not attained the age of three (3) months at the time of the licensing of the dog, the owner shall, not less than ten (10) days after such dog attains the age of three (3) months secure immunization against rabies for such dog and present a certificate as required in this section to the city clerk who shall enter such certification in the records of the city.

C. It shall be a violation of this ordinance for any owner to own or possess a dog within the City of Merville without furnishing a certificate of immunization against rabies in compliance with this section.

4-1-6 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large. Any dog found running at large without a license tag attached to its collar or harness shall be deemed unlicensed. (Code of Iowa, Sec. 351.41)

4-1-7 ANIMAL NUISANCE.

A. It shall be unlawful for an owner of a dog to allow or permit such dog to cause a disturbance by excessive barking or other noise making to such an extent as to annoy or disturb persons in the vicinity of the dog.

B. It shall be a violation for an owner of a dog to allow or permit such dog to chase vehicles, molest, attack or interfere with persons or other domestic animals.

C. It shall be a violation for an owner of a dog to allow or permit such dog to pass upon the premises of another thereby causing damage to, or interference with, the premises.

D. It shall be a violation for an owner of a dog to soil, defile or defecate on private property other than the owner's or on public sidewalks and recreation areas unless such waste is immediately removed and properly disposed of by the owner. (Code of Iowa, Sec. 351.41)

E. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor. (Code of Iowa, Sec. 351.39; H.F. 179)

F. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person. (Code of Iowa, Sec. 33351.39; H.F. 179)

4-1-8 IMPOUNDING.

A. Any licensed or unlicensed dog found at large, shall be seized and impounded.

B. The owners of such licensed dogs if known shall be notified in writing within two (2) days that upon payment of impounding costs such dogs may be recovered.

If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs may be disposed.

C. Impounded dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding costs and the cost of vaccination if vaccination is required under Section 4-1-3. If such dogs are not claimed within five (5) days after impounding, they may be disposed.

4-1-9 PENALTY. Violation any of the provisions of this ordinance, shall be a Municipal Infraction of \$50.00 for the first offense, \$100.00 for a second offense, and \$250.00 for third and subsequent offenses within the same 12 month period

CHAPTER 2 ANIMAL CONTROL-CATS

4-2-1 Definition

4-2-2 License

4-2-3 License Issued

4-2-4 Violation

4-2-5 Immunization

4-2-6 At Large Prohibited

4-2-7 Keeping a Vicious Cat

4-2-8 Impounding

4-2-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "cats" shall mean both male and female animals of the feline species whether altered or not.
2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel.

4-2-2 LICENSE. Every owner of a cat shall procure a cat license from the City Clerk on or before the first day of May of each year. The annual license fee shall be five dollars (\$5.00) for each spayed or neutered cat and ten dollars (\$10.00) for each non spayed or non neutered cat. A penalty of \$3.00 per month shall be assessed for failure to pay the license fee when due.

4-2-3 LICENSE ISSUED. Upon payment of the license fee, the City Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the cat. The City Clerk shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-2-4 VIOLATION. It shall be a violation of this ordinance for any owner to own or to possess a cat within the City without obtaining a license in compliance with this section.

4-2-5 IMMUNIZATION. Every owner of a cat over the age of three (3) months shall, when procuring a cat license from the city clerk, shall present to the city clerk a certificate from a qualified doctor of veterinary medicine that such cat has had immunization against rabies, and such certificate shall show the date of such immunization and the term of such immunization.

1. The clerk shall not issue any cat license until evidence is shown certifying a rabies vaccination of the cat by a licensed veterinarian. Such certification shall show the date of inoculation, and shall indicate the period of immunization. An owner presenting a certificate that will expire less than six months from the date the license is issued shall be required to file a subsequent certificate as described in Section 2 hereof as if the cat obtained the age of three (3) months on the date the certificate expired.

2. If any cat for which a license has been obtained which has not attained the age of three (3) months at the time of the licensing of the cat, the owner shall, not less than ten (10) days after such cat attains the age of three months secure immunization against rabies for such cat and present a certificate as required in this section to the city clerk who shall enter such certification in the records of the city.

3. It shall be a violation of this ordinance for any owner to own or possess a cat within the City of Moville without furnishing a certificate of immunization against rabies in compliance with this section.

4-2-6 AT LARGE PROHIBITED. It shall be unlawful for any person to permit a cat under such person's control or within such person's custody to damage, soil, defile or defecate on private property or causes unsanitary, dangerous or offensive conditions, other than on the owner's property.

4-2-7 KEEPING A VICIOUS CAT. It shall be unlawful for any person or persons to harbor or keep a vicious cat within the City. A vicious cat is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons shall exist and such propensity is known or ought reasonably to be known to the owner thereof.

1. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor. (Code of Iowa, Sec. 3351.39; H.F. 179)

4-2-8 IMPOUNDING.

1. Any unlicensed cat found at large in violation of 4-2-4 shall be seized and impounded.
2. The owners of such unlicensed cats, if known, shall be notified in writing within two (2) days that upon payment of impounding costs and licensing fees, such cats may be recovered. If impounded, unlicensed cats are not recovered by their owners within five (5) days after notice, the cats may be humanely disposed.

4-1-9 PENALTY. Violation any of the provisions of this ordinance, shall be a Municipal Infraction of \$50.00 for the first offense, \$100.00 for a second offense, and \$250.00 for third and subsequent offenses within the same 12 month period

CHAPTER 3 ANIMAL CONTROL-DANGEROUS ANIMALS

4-3-1 Cruelty to Animals

4-3-2 Exhibitions and Fights

4-3-3 Dangerous Animals

4-3-4 Keeping a Vicious Dog or Cat

4-3-5 Animal Biting a Person or Other Animal

4-3-6 Impounding Costs

4-3-1 CRUELTY TO ANIMALS. No person shall torture, torment, mutilate, cruelly beat, or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter, protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omissions herein contemplated are committed either maliciously, willfully or negligently. (Code of Iowa, Sec. 712.2)

4-3-2 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, beat, injured, or killed, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

4-3-3 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.
2. Definitions. A dangerous animal is:
 - 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. The following are 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) Monkeys, chimpanzees, and apes;
 - (7) Alligators and crocodiles;
 - (8) Scorpions; gila monsters;
 - (9) Snakes that are venomous or constrictors;
 - (10) Staffordshire terriers - known as pit bulls; Rottweiler, Doberman Pinscher. German Sheppard, American Sheppard or Wolf or wolf cross
 - (11) Any cross breed of such animals which have similar characteristics of the animals specified above.
 - c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited 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, and has obtained the written approval of the City Council.

b. The animal would be prohibited by sub-section 10 or 11 above but is duly licensed pursuant to 4-1-2 and for which the licenses has not been revoked pursuant to part c hereof. Any animal remaining within the City limits 3 days after revocation of its license shall establish a basis for a municipal infraction naming its owner as defendant pursuant to 4-1-4 and 4-1-9.

c. Any animal prohibited by sub-section 10 or 11 which violates Section 4-1-6 Running at Large or Section 4-1-7 Animal Nuisance if such violation is established a preponderance of evidence provided to the Mayor by either citizen complaint or the report of City Officers shall have its license revoked. The mayor upon making the determination shall advise the owner in writing and shall advise the City Clerk in writing of the determination at which time the Clerk shall revoke the license. An owner disputing the revocation of a license pursuant to this section may present the improper revocation as an affirmative defense to the first Municipal Infraction issued for violation of the licensing provisions.

4-3-4 KEEPING A 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. A vicious cat or dog is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons shall exist and such propensity is known or ought reasonably be known to the owner thereof.

4-3-5 ANIMAL BITING A PERSON OR OTHER ANIMAL. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor. (Code of Iowa, Sec. 351.39)

4-3-6 IMPOUNDING COSTS. The City shall contract for the impounding of all animals captured in the City. The cost of impounding shall consist of the following elements:

1. Capture of Animal and Transportation. \$15.00
2. Actual expenses advanced by the City pursuant to contract for care of said animals.
3. Surcharge computed on the basis of repeated impounding within a twelve (12) month time period:
 - First None
 - Second or Third \$10.00
 - Four or More \$20.00