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JENNIFER L MCALLISTER, RECORDER  
FREMONT COUNTY IOWA

**FREMONT COUNTY, IOWA**

**ORDINANCE TO AMEND ZONING ORDINANCES**

**ORDINANCE 2011- 1**

**AN ORDINANCE REGARDING ANIMAL PROTECTION AND CONTROL.**

**Be It Enacted by the Board of Supervisors of Fremont County, Iowa:**

**ANIMAL PROTECTION AND CONTROL**

- 1. Definitions
- 2. License
- 3. Identification
- 4. Animal Neglect
- 5. Abandonment
- 6. Exhibitions and Fights
- 7. Running at Large
- 8. Prohibited Animals
- 9. Animals Disturbing the Peace
- 10. Provisions for Seizure, Impoundment and Disposition
- 11. Penalties
- 12. Repealer
- 13. Severability Clause
- 14. Effective Date

1. DEFINITIONS. The following terms are used and defined in this chapter:

- A. "Animal" means all nonhuman vertebrates.
- B. "At Large" means located off of property that is owned by the Owner or which the Owner has legal right to occupy, or upon the public streets, alleys, sidewalks, public grounds, school grounds or parks within the county. An animal shall not be deemed to be at large if:
  - i. The animal is on the Owner's premises, or the premises of a person given charge of the animal by the owner and does not allow the animal to go beyond the premise's real property line or onto public property; or
  - ii. On public property, but restrained by a leash held by a person capable of restraining the animal; or

- iii. Restrained inside a motor vehicle.
  - iv. "At heel" beside a competent person and obedient to that person's command;
  - v. A properly identified hunting dog engaged in lawful hunting practices, field trials, or performance events or a dog that is training for these activities.
- C. "Dangerous Animal" means (1) any animal of a wild nature or disposition, or which has been trained to attack human beings, 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; (2) any dog that has previously attacked a pet or human; or (3) the following shall be deemed to be a "Dangerous Animal" per se: Lions, tigers, jaguars, leopards, cougars, lynx, bobcats, wolves, coyotes, foxes, badgers, wolverines, weasels, skunks, mink, bears, monkeys and chimpanzees, bats, alligators, crocodiles, scorpions, snakes that are venomous or constrictor, and gila monsters.
- D. "Leash" means a cord, chain or similar restraint of sufficient strength to restrain an animal that is at all times under the control of a person competent to restrain and control the animal.
- E. "Livestock" means an animal belonging to the bovine (cow), caprine (goat), equine (horse), ovine (sheep) or porcine (swine) species, ostriches, rheas, emus, farm deer as defined by Iowa Code 170.1, or any poultry.
- F. "Owner" means any person who owns, keeps, shelters or harbors an animal within Fremont County, outside of any incorporated city.
2. **LICENSE.** Every owner of a dog or cat kept within Fremont County, outside of any incorporated city, over the age of (6) six months shall license such dog or cat with the County Auditor on or before the first day of January each year. The annual license fee shall be \$10 for each dog or cat, or \$5 if the dog or cat is spayed/neutered. All persons who fail to obtain a license within the time periods specified in this chapter may be subject to a delinquent penalty of \$10 for the first offense and \$50 for each subsequent offense. Said penalties shall be in addition to any fines levied pursuant to a county infraction citation. Upon payment of the license fee, and providing proof of a current vaccination against rabies, the County Auditor shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog or cat. The County Auditor shall keep a duplicate of each license issued as a public record. Upon issuance of the license, the County Auditor 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 or cat for which the license is issued. Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed and in violation of this Ordinance.
3. **IDENTIFICATION.** Every owner of a domestic dog or cat within Fremont County, outside of any incorporated city, must be able to be identified by one of the following methods:
- i. Collar with name and telephone number of the owner; or
  - ii. Electronic device that is implanted in or on the animal
4. **ANIMAL NEGLECT.** No person who confines or harbors any animal shall fail to supply the animal with adequate food and water, or fail to provide said animal with adequate shelter, or torture, torment, deprive of necessary sustenance, mutilate, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

5. **ABANDONMENT.** No owner shall abandon any animal.
6. **EXHIBITIONS AND FIGHTS.** No person shall arrange, promote or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or keep a place where such exhibitions and fights are staged for the entertainment of spectators.
7. **RUNNING AT LARGE.** It shall be unlawful for an Owner to allow any dog or cat to run at large within the County.
8. **PROHIBITED ANIMALS.** It shall be unlawful for any person to keep within the County any Dangerous Animal; PROVIDED, this section shall not apply to the following:
  - A. The keeping of a Dangerous Animal for exhibition to the public by a bonafide traveling circus, carnival, exhibit or show; or
  - B. The keeping of a Dangerous Animal in a licensed veterinary clinic for treatment; or
  - C. Any Dangerous Animal under the jurisdiction of, and in the possession of, the Iowa Department of Natural Resources or any local, state or federal law enforcement agency; or
  - D. The keeping of a dangerous animal in a "hunting pen" used in the training and field trial of hunting dogs.
9. **ANIMALS DISTURBING THE PEACE.** It shall be unlawful for the Owner of any animal, whether confined or not, to permit such animal to disturb the peace of any person by frequent, regular or habitual barking, howling or yelping, or other noises. If the Owner of the animal is not available for contact, the Sheriff's Department may post notice on the residence, and may impound the animal if there have been more than two (2) complaints, verified by the Sheriff's Department, within the previous thirty (30) days in regards to said animal. An Owner that has been cited for an animal disturbing the peace more than two (2) times in any given thirty (30) day period may be subject to having their animal impounded by the Sheriff's Department. This shall not apply to complaints of animals that are further than 100 yards from the complainant's residence.
10. **PROVISIONS FOR SEIZURE, IMPOUNDMENT AND DISPOSITION.** Any animal found in violation of any of the foregoing provisions may be seized and impounded; or at the discretion of the peace officer, the Owner of such animal may be served a citation to appear before a proper court to answer charges made hereunder; PROVIDED, this Ordinance shall not restrict the right of any peace officer to destroy any animal that is chasing, maiming, or killing any other animal, other than for legalized hunting, or threatening or attempting to bite, or biting any human, and in such cases, the County shall be under no duty to attempt the capture of any animal found in violation of this Ordinance or to notify the owner thereof prior to its destruction.

All animals apprehended hereunder shall be delivered promptly to a licensed animal shelter or veterinarian. If the identity of the Owner is ascertainable, the owner shall be notified within forty-eight (48) hours after delivery.

In the case of Impounded Dangerous Animals, the Owner thereof shall be notified to make provisions to remove such animal from the County within seven (7) days. If removal is not completed, the County may make provisions for the removal of the Dangerous Animal from the County, or may destroy the animal. All costs associated with the impoundment, removal or

euthanasia of a Dangerous Animal shall be assessed against the Owner, in addition to any penalty which may be levied under this Ordinance.

In the case of the impoundment of any animal other than a Dangerous Animal, the animal may be recovered by the Owner upon payment of the impounding costs.

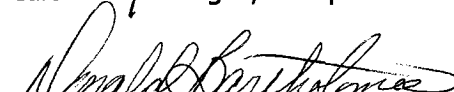
If the Owner fails to redeem an impounded animal within seven (7) days of date of capture, or if owner cannot be determined, the animal may be disposed of in a humane manner.


No animal may be recovered from an impoundment until the Owner establishes that all rabies vaccinations (and any other required vaccinations) and county license are current. All costs of impounding shall be assessed against the Owner of the impounded animal, in addition to any penalty which may be levied.

11. PENALTIES. Any violation of this Ordinance shall be deemed to be a Simple Misdemeanor, subject to such penalties as provided by the Iowa Code Section 903.1.
12. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
13. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
14. EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication, as provided by law.

Passed by the Board of Supervisors on this 18<sup>th</sup> day of January, 2011.

  
Cara Morgan-Morgan, Chairperson

  
Donald Bartholomew, Supervisor

  
Randy Hickey, Supervisor

Attest:

  
Joan Kirk  
Fremont County Auditor

First Reading: January 18, 2011

Second Reading: Waived – moved by Bartholomew

Roll Call: Morgan aye; Hickey aye; Bartholomew aye

Third Reading: Waived – moved by Bartholomew

Roll Call: Morgan aye; Hickey aye; Bartholomew aye