

**CHAPTER 3.50  
ANIMAL CARE AND CONTROL**

- 3.50.001 TITLE: This ordinance shall be known and may be referred to as the “Pottawattamie County, Iowa Animal Care and Control Chapter”.
- 3.50.002 PURPOSE AND SCOPE: This Chapter establishes responsibilities for animal owners or custodians in order to effectively manage animals and to control the danger to the public health, safety, and welfare presented by animals in the County and provides a mechanism to address animal control issues, problems, and complaints.
- 3.50.003 JURISDICTION: The provisions of this Chapter shall apply to all of the unincorporated areas of Pottawattamie County, Iowa.
- 3.50.004 APPLICABILITY: In the event of a difference between the provisions of this Chapter and those contained in applicable state rules and regulations, the most stringent standards will prevail.
- 3.50.005 DEFINITIONS: Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

.01 CONSTRUCTION OF TERMS: The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Chapter.

- A. Tense: Words used in the present tense include the future tense.
- B. Number: Words used in the singular include the plural, and words used in the plural include the singular.
- C. Shall and May: The word “shall” is mandatory; the word “may” is permissible.
- D. Gender: The masculine shall include the feminine and the neuter.
- E. Used or Occupied: The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
- F. Headings: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Chapter and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

.02 ABANDON: Leaving an animal for a period in excess of twenty-four (24) hours without appropriate provisions having been made for the feeding, watering, and care of such animal as provided in this Chapter.

.03 ADEQUATE FOOD: Food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept.

.04 ADEQUATE SHELTER: Adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter for a dog shall include 1 or more of the following:

- A. The residence of the dog's owner or other individual.

- B. A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- C. A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (B) that is accessible to the dog.

When a dog is confined outside a residence, the following minimum space requirements shall be used:

<b>Dog Size</b>	<b>Inches at Withers</b>	<b>Weight</b>	<b>Pen Size</b>
Small	11.99 inches or less	19.99 lbs or less	24 Sq. Ft.
Medium	12 to 19.99 inches	20 to 49.99 lbs.	32 Sq. Ft.
Large	20 to 25.99 inches	50 to 74.99 lbs.	40 Sq. Ft.
Extra Large	26 inches or more	75 lbs or more	48 Sq. Ft.

An additional 16 square feet shall be required for each dog sharing a pen with another dog. The minimum pen size includes a shelter.

Equines must be provided a minimum of free choice protection or constructed shelter from adverse weather conditions, including direct rays of the sun in extreme heat or cold, wind, or precipitation. Natural or constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated. Outside exercise paddocks for equines do not require separate constructed shelter where a shelter is accessible to the equine on adjacent or other accessible areas of the property provided that equines are not kept in outdoor exercise paddocks during adverse weather conditions.

- .05 ADEQUATE WATER: Water that is clean, uncontaminated, in liquid form and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept. An uncontaminated pond, stream or river is considered adequate water for livestock. Water must be reachable by the animal. Snow and ice are not considered an adequate water source.
- .06 ALTERED: An animal that is either spayed or neutered.
- .07 ANIMAL: Any member of the animal kingdom except human beings.
- .08 ANIMAL CONTROL OFFICER: Any Animal Control Officer responsible for compliance under this Chapter.
- .09 ANIMAL SHELTER: A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the County or operated under contract with the County for the purpose of the provisions of this Chapter or any other Chapter.
- .10 AT LARGE: Off the premises of the owner or custodian, whether by accident, design, or otherwise.

- .11 BITE: Any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.
- .12 BOARD OF HEALTH: The Board of Health of Pottawattamie County, Iowa.
- .13 CAT: Members of the Feline species, male or female, altered or unaltered.
- .14 COUNTY SHERIFF: The County Sheriff of Pottawattamie County, Iowa or his duly deputized representative.
- .15 COUNTY: Pottawattamie County, Iowa.
- .16 DANGEROUS ANIMALS:
  - A. Any genus/species of animal which is capable of killing, inflicting serious injury upon, or causing illness or disease among, human beings or domestic animals and having a known tendency, (either in its natural state, in the wild, or as a tame, feral or domesticated animal) as a species to do so, and is declared to be a dangerous animal by the Board of Supervisors;
  - B. Those animals deemed to be "dangerous animals" per se include the following, subject to amendment by the Board of Supervisors:
    - (1) Canidae: e.g. wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, jackals, within the order Carnivora but excluding *Canis familiaris*, the domestic dog.
    - (2) Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding *Felis domestica*, the domestic cat.
    - (3) Mustelidae; e.g. badgers, wolverines, weasels, skunks, mink, otters within the order Carnivora, but not including domestic ferrets.
    - (4) Procyonidae; e.g. raccoons, pandas, kinkajous within the order Carnivora.
    - (5) Ursidae; e.g. black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.
    - (6) Chiroptera; e.g. bats.
    - (7) Cebidae; e.g. monkeys.
    - (8) Cercopithecidae; e.g. baboons.
    - (9) Callithricidae; e.g. marmosets, tamarins.
    - (10) Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.
    - (11) Lemuridae; e.g. lemurs.
    - (12) Didelphidae; e.g. opossums.
    - (13) Castoridae; e.g. beavers.
    - (14) Viveridae; e.g. civets and mongooses.
    - (15) Hyaenidae; e.g. hyaenas.
    - (16) Formicidae; e.g. fire ants within the order Hymenoptera.
    - (17) Apidae; specifically Africanized strains of *Apis mellifera* the honeybee.
    - (18) Crocodylidae; e.g. crocodiles, alligators, caimans, gavials, of the order Squamata.
    - (19) Heloderamatidae; e.g. gila monsters, beaded lizards, of the order Squamata.

- (20) Crotalidae; e.g. rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, wagers vipers, palm vipers, eyelash vipers, of the order Squamata.
- (21) Viperidae; e.g. rhinoceros vipers, bushmasters, puff adders, gaboon vipers, of the order Squamata.
- (22) Elapidae; e.g. cobras, taipans, coral snakes, sea snakes, of the order Squamata.
- (23) Opisthoglyphous colubridae; e.g. twigsnakes, boomslangs, mangrove snakes, mussuranas, Malagasy hognose snakes of the order Squamata.
- (24) Euneptes murinus; e.g. anacondas of the order Squamata.
- (25) Boa constrictor; e.g. boa constrictors of the order Squamata.
- (26) Morelia amethystina; amethystine pythons of the order Squamata.
- (27) Python sebae; African rock pythons of the order Squamata.
- (28) Python molurus; Burmese pythons, Indian pythons, Ceylonese pythons of the order Squamata.
- (29) Python reticulatus; reticulated pythons of the order squamata.
- (30) Venomous spiders of the families terididae, and loxoscelidae respectively, and scorpions of the order Scorpions.
- (31) Venomous lizards.

C. Animals used in agriculture as defined by the United States Department of Agriculture shall not per se be considered dangerous animals.

- .17 DANGEROUS DOG: (1) Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; (2) any dog that has been cited for running "at large" three times in one year; or (3) any dog that has attacked another animal once while "at large".
- .18 DOG: All members of the Canine species, male or female, altered or unaltered.
- .19 EQUINES: Horses, ponies, mules, and burros.
- .20 EUTHANASIA: The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- .21 HYBRID: Any offspring produced by breeding a domestic cat or domestic dog to an animal listed as a "dangerous animal, per se".
- .22 IMPOUND: The act of placing an animal in an enclosure. To confine an animal within an enclosure. To seize and retain possession of an animal.
- .23 KENNEL: Any 'commercial kennel', as defined in Chapter 8 of the Zoning Ordinance of Pottawattamie County, Iowa . (*Ordinance #2022-04*)
- .24 KENNEL DOGS: Dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to Chapter 162 of the Code of Iowa.

- .25 LIVESTOCK: Farm animals, such as beef cattle, dairy cows, sheep, hogs, chickens and turkeys, excluding urban chickens (refer to section 3.50.035) (*Ordinance #2022-04*)
- .26 NECESSARY MEDICAL ATTENTION: Supplying an animal with necessary medical attention when the animal is currently or has been, suffering from illness, injury, disease, excessive parasitism, excessive hair matting, malformed or overgrown hoof or similar conditions.
- .27 OWNER: Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for more than seven (7) consecutive days other than veterinary hospital, licensed kennel or animal shelter.
- .28 PERSON: An individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- .29 SERVICE ANIMALS: Any animal which is owned by a person who is disabled and that has been properly trained at a special school to guide its owner in going from place to place.
- .30 ZONING ORDINANCE: The Zoning Ordinance of Pottawattamie County, Iowa.
- .31 ZOONOSIS: Any disease of animals communicable to humans.
- .32 PASTURE: Land in the rear yard (as defined in Section 8.002.260.02 of the Pottawattamie County, Iowa Zoning Ordinance) covered with grass and other low plants suitable for grazing animals. (*Ordinance #2022-04*)

3.50.006 ANIMALS "AT LARGE":

- .01 It shall be unlawful for the owner or custodian of any animal, including livestock, to fail to keep the same from running "at large" in the County.
- .02 For the purpose of this Chapter, an animal shall not be deemed "at large" if the animal is on the premises or property of the animal owner or custodian or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas or property not owned by the animal's owner or custodian.
- .03 Notwithstanding the above, "at large" means off the premises of the owner or custodian, whether by accident, design, or otherwise, unless:
  - A. The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;
  - B. The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;

- C. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.
- .04 Any animal found to be “at large” within the County shall be deemed a public nuisance. Animals found “at large” may be apprehended and impounded, costs of which shall be paid by the animal’s owner or custodian.
- .05 Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public right-of-ways shall be deemed “at large”. The Animal Control Officer may remove all such animals and at his or her discretion take such animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this Chapter.
- .06 It is lawful for any person who finds an animal “at large” to seize and hold the animal. Any person so seizing and holding an animal may confine it within a fenced yard, house, garage or other structure owned by them, or by physically restraining such animal on a harness, collar or leash. The person seizing and holding the animal shall be responsible for the humane treatment of the animal while it is under that person’s custody, and shall notify the County Animal Control Department within forty-eight (48) hours that the animal is in their custody. The provisions of this Chapter shall not infringe upon any right or duty created by Section 351.25 or Section 351.27 of the Iowa Code.
- .07 Any dog that has been impounded by the County shall have an identifying microchip inserted under its skin at its owner/custodian’s expense prior to being released to the owner/custodian. (*Ordinance #2022-04*)

3.50.007 OWNER/CUSTODIAN DUTIES:

- .01 HUMANE TREATMENT: An owner or custodian shall provide adequate food, water, shelter, humane treatment and any necessary medical treatment for any animal in its care. It shall be unlawful under this Chapter for any person to beat, starve or otherwise abuse any animal.
- .02 SANITARY CONDITIONS: An owner or custodian shall keep all structures, pens, or yards wherein dogs or cats are confined, clean, devoid of vermin and free of odors arising from urine or feces.
- .03 PUBLIC SANITATION: No owner or custodian of a dog or other animal shall permit their animal to discharge feces upon any public or private property, other than the property of the owner or custodian of the animal. The owner or custodian shall not however, be considered in violation of this subsection provided he or she takes steps to immediately remove and clean up the feces discharged by the animal from the property. All feces removed as aforesaid shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner. An owner or custodian may, as an alternative

collect the feces and turn it under the surface of the owner's or custodian's soil in any manner that prevents odor or collection of vermin.

- .04 TETHERING: An owner or custodian may not stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property of anyone other than the owner's or custodian's. No animals shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness, not of the choker type, provided that the proper use of "choker collars" in the training of animals shall not be prohibited. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length.
- .05 ABANDONMENT: No owner or custodian may abandon any animal where it may become a public charge, nuisance or may suffer injury, hunger or exposure. If an animal is restrained or confined out of doors without food, water or proper care as defined in this Chapter, the County Animal Control or other authorized agent may enter upon any such property where the animal is restrained or confined and supply it with the necessary food, water and care so long as it remains there abandoned.
- .06 RABIES VACCINATION: An owner or custodian of a dog required to be licensed under this Chapter shall vaccinate said dog for rabies and maintain a current vaccination tag on the dog's collar at all times. The rabies vaccination shall be administered in accordance with Chapter 351 of the Code of Iowa. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required.
- .07 MINIMUM AGE: No dog may be licensed under this Chapter unless at least one of the registered owners or custodians of said dog is at least eighteen (18) years of age. All registered owners or custodians (or owners or custodians of an unlicensed dog) eighteen (18) years of age or older shall be personally, jointly and severally liable for compliance with the provisions of this Chapter.
- .08 TRANSFER OF OWNERSHIP: A new owner or custodian shall within ten (10) days from the date of a change in ownership of dog make an application and pay the fee for a new license as provided in this Chapter.
- .09 NUMBER RESTRICTED: It is unlawful for any person to own, keep or harbor at anytime more than four (4) dogs under this Chapter without the appropriate permitting, or as otherwise provided for by Chapter 8 – Pottawattamie County, IA Zoning Ordinance. (*Ordinance #2022-04*)
- .10 RESPONSIBILITY TO REPORT BITE/ATTACK: This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 351. Included in the Iowa Code is the duty of the owner or custodian of any animal that has bitten or attacked a person or any person having any knowledge of such bite or attack to report this act to a local health or law enforcement official. The owner or custodian must confine such animal in a manner directed by the Board of Health or the Animal Control Officer.

.11 DECEASED ANIMALS: This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 167. All deceased animal including livestock must be disposed of within twenty-four (24) hours as provided in Iowa Code Chapter 167. Any person or persons violating this section shall bear full cost and expenses incurred by Pottawattamie County, Iowa for the disposal of said animals if necessary.

3.50.008 HABITUAL IRRESPONSIBLE ANIMAL OWNERSHIP: Any animal owner that has been convicted of, or deemed responsible for, any violation of this Chapter by a court of competent jurisdiction on two (2) occasions in a twelve (12) month period may be designated an “irresponsible animal owner”.

If an animal owner is convicted of, or deemed responsible for, a third violation of this Chapter by a court of competent jurisdiction in a twelve (12) month period, all animals may be confiscated and disposed of at the discretion of the Animal Control Supervisor, and no animal licenses shall be issued to anyone at the irresponsible animal owner’s residence for a period of thirty-six (36) months from the date of the third court order.

No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address.

3.50.009 HABITUAL IRRESPONSIBLE ANIMAL OWNER – DESIGNATION REMOVED: Any designation as an irresponsible animal owner shall expire after thirty-six (36) months provided the person so designated shall avoid any further violations of this Chapter during that time. Any further violations of this Chapter may result in immediate confiscation and disposal of any animals, at the discretion of the Animal Control Supervisor, or as otherwise provided by law.

3.50.010 ANIMAL BITE(S):

.01 PROCEDURE WHEN PERSON BITTEN BY ANIMAL – Quarantine: This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 351.

A. Whenever an animal bites any person, or another animal causing injury, it shall be the duty of animal control to have such animal immediately removed from the owner’s premises and either taken to the animal shelter or a veterinary hospital for quarantine, or destroyed for examination if the animal appears to be diseased. If not destroyed, such animal must be placed under quarantine for a period of ten (10) days. It is the duty of the owner of the animal that has bitten any person to deliver or surrender the possession of such animal to the county for quarantine when so ordered by the County Animal Control Supervisor, or his or her designee. Any confinement of an animal under quarantine shall be at the expense of the owner of such animal.

If an animal is held by a veterinarian, it may not be released until the expiration of the ten-day quarantine period without express written permission of Animal Control. If for any reason a veterinarian determines that he/she may no longer continue to hold the animal, it may be surrendered only to the County Animal Shelter to be held for the remainder of the ten-day quarantine period.



- B. If any animal that has bitten any person, or another animal causing injury, is suspected of having rabies, Animal Control may destroy the animal and have the carcass examined in lieu of quarantine. A wild or stray animal that has bitten any person may be destroyed immediately.
- C. The owner of any animal that has bitten a person, or another animal causing injury, may apply to animal control to release the animal for the purpose of allowing quarantine at the home of the owner for a period of ten (10) days. The application may be made at any time during the quarantine period and shall be on a form supplied by the Animal Control Department. Home quarantine shall not be permitted unless all of the following conditions have been fully met:
- (1) The animal must have been vaccinated against rabies at least three (3) weeks prior to the bite, and such vaccination must be valid for at least one (1) month after the bite. A certification of rabies vaccination shall be produced by the owner of the animal. This vaccination certificate must bear the description of the animal, the type of vaccine used, the expiration of the vaccine, and the signature of the veterinarian administering the vaccination. The animal must also have a current county license, if required by Section 3.50.060, at the time of the bite.
  - (2) The animal must not have been running "at large" at the time of the bite.
  - (3) Prior to approval of home quarantine, the owner shall have the animal examined by a Pottawattamie County Animal Control Officer or a veterinarian, licensed in the State of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. If an animal cannot be immediately examined, it shall be quarantined at the county animal shelter until the owner can make arrangements for such examination.
  - (4) The person bitten or, if a minor, that person's parents or guardians, must sign the application indicating that they have been advised of the risks of rabies, and that if the animal disappears during the home quarantine, the person bitten may have to undergo anti-rabies treatment, that they do not object to home quarantine, and relieving Pottawattamie County, and its agents from any liability if the animal disappears during the quarantine period.
  - (5) The owner of the animal must demonstrate to the satisfaction of Animal Control Supervisor or his/her designee that they have the proper facilities and the ability to adequately and properly confine the animal to their home or property during the quarantine period.
  - (6) The owner shall agree to immediately notify the Animal Control Department of any changes in the animal's health or disposition, to allow representatives of the Animal Control Department or its agents to enter upon their 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 animal control supervisor or his agents.

- (7) At the end of the quarantine period, the owner shall have the animal examined by an animal control officer that is employed by Pottawattamie County or a licensed veterinarian who shall certify that the animal still appears to be free of rabies or other zoonosis, and the quarantine should be terminated.
- (8) If quarantined at the County Animal Shelter or with a veterinarian, the owner shall pay all costs of impoundment, board and quarantine to the County before it is released, and shall agree to pay all costs of examination by a veterinarian during the quarantine period.
- (9) The owner shall further agree to immediately surrender the animal at any time the animal control supervisor or his/her designee determines the home quarantine should be terminated, or any at time that any provisions or conditions of the home quarantine are violated, and the animal shall be returned to the custody of the Pottawattamie county Animal Control Department, its agents, or a licensed veterinarian in the state of Iowa.
- (10) Pottawattamie County Animal Control may establish additional rules pertaining to home quarantine.

.02 REPORT OF CONDITION DURING QUARANTINE.

- A. Anyone supervising an animal under quarantine shall report at once any noticeable change in the physical condition of such animal and to report at once if such animal should die.
- B. It shall be the duty of the County Animal Control to cause at least one examination at the end of the quarantine period and such other examinations as may be deemed necessary to insure that the animal is alive and well and not apparently infected with rabies. If deemed necessary, animal control may order such examinations done by a licensed veterinarian, and the owner of the animal shall pay all costs of such examinations.

.03 PAYMENT OF QUARANTINE AND EXAMINATION COSTS: The owner of any animal quarantined may redeem such animal after any quarantine period upon the payment in full of all costs of confinement, including reasonable costs of food and care of such animal, and medical examination before the animal is released. If the animal is not claimed after the ten (10) day quarantine period, whether the owner is known or unknown, the animal may be disposed of pursuant to this Chapter.

3.50.020 BARKING DOGS OR OTHER ANIMALS—PUBLIC NUISANCE:

- .01 It shall be unlawful to keep or harbor any dog or other animal which, by frequent, regular, habitual, or continued barking, whining, yelping, howling or other loud noises, shall cause serious or repeated annoyance to the surrounding neighborhood. Such annoyance shall be considered a “public nuisance”.

- .02 The Animal Control Officer or the County Sheriff shall have the authority to use all reasonable means to abate such nuisance, including but not limited to, requiring that the owner or custodian make bona fide efforts to quiet the dog or impoundment of the animal, costs of which shall be paid by the animal's owner or custodian.
- .03 Any person who shall fail or refuse to abate such nuisance shall be deemed to have committed a separate violation of this Chapter for each twenty-four (24) hour period thereafter during which said nuisance continues and be subject o like penalties provided under this Chapter.

3.50.030 POLICE OR SERVICE DOGS:

- .01 It shall be unlawful under this Chapter for any person to taunt, tease, strike, injure or kill any dog used by a law enforcement officer, law enforcement department, law enforcement agency or other service dogs at any time.
- .02 No person shall meddle with any such dog or any handler thereof in the performance of the functions of the law enforcement officer, law enforcement department or agency.
- .03 It shall not be a violation of this Chapter for a law enforcement officer or veterinarian to euthanize a police dog in an emergency situation when done to end undue suffering and pain for the police dog.

3.50.035 URBAN CHICKENS: (*Ordinance #2022-04*)

- .01 Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of Gallus gallus domesticus) shall be permitted on properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless , despite compliance with the following , the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business.
  - A. No person shall keep chickens inside a single-family dwelling unit.
  - B. A tenant must obtain the landlord's written permission to keep chickens, which shall be submitted as part of the application for a permit.
  - C. Chickens must be confined in a coop or fowl house not less than 18 inches in height or, in the alternative, within a fenced pen area. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for cleaning or for the safety of the chicken. Chickens must be housed in the coop from dusk until dawn.
  - D. The coop, the fowl house, or the fenced pen area shall be located in the rear yard only (as defined in Section 8.002.260.02 of the Pottawattamie County, Iowa Zoning Ordinance), must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals, shall be completely enclosed (except fenced pen area),

shall be well maintained, and shall be well drained so there is no accumulation of moisture.

- E. The materials used in making a coop or fowl house (stationary or mobile) shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
  - F. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property so long as the droppings and body excretions are spread and incorporated into the soil within twenty-four (24) hours.
  - G. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land. Noise from chickens shall not to disturb persons on adjoining properties or beyond based on an objective or reasonable person standard.
  - H. All chicken feed shall be stored in rodent-proof containers.
  - I. No more than twelve (12) chickens shall be kept or maintained per property.
  - J. All chickens shall have wings clipped at any given time so as to eliminate the possibility of flight from the permittee' s property.
  - K. All such chickens must be hens; no roosters are permitted.
  - L. The County shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the County or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for Animal Control to determine that the animal is a dangerous/vicious animal pursuant to Section 3.50.010. Any dead chicken, not caused by slaughtering, shall be disposed of immediately upon discovering in a manner so as not to cause a nuisance pursuant to Chapter 8, Zoning Ordinance.
  - M. Any slaughter of chickens not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.
- .02 No person shall keep any chickens unless they possess a Pottawattamie County, Iowa Urban Chicken (Hen) Permit issued by Animal Control.
- A. Animal Control shall provide an application form upon request, which shall include consent forms for landlords.
  - B. The fees and associated costs shall be set by resolution.
  - C. Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
  - D. The applicant shall successfully complete an approved class in raising chickens in an urban setting prior to being issued a permit. Animal Control shall maintain a current list of such approved classes.
  - E. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the County or its agents have the right to go onto permittee's property

any time and without prior notice for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

- F. Within thirty (30) days after the expiration of any permit, the permittee shall apply for and secure a renewal of the permit in the manner provided for in this chapter. Failure to renew a permit within the time herein provided shall result in a delinquent fee, in addition to the regular permit fee, as set by the Pottawattamie County, Iowa Board of Supervisors. All applicants shall be furnished with permit rules and regulations at the time the application is made.
  - G. The permit is a limited license for the activity, and no vested zoning rights arise from the permit being issued.
  - H. The permit does not run with the land. Private restrictions on the use of the property shall remain enforceable and shall supersede the permit. The private restrictions include, but are not limited to, deed restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens is void.
- .03 In the event that an applicant or permittee does not fully and strictly comply with the requirements of this section, the application may be denied or the permit may be revoked. If an application is denied or a permit is revoked, the applicant or permittee shall be so informed in writing and also informed of the right to appeal said decision.
- A. In any instance where Animal Control has denied, revoked, suspended, or not renewed a permit, the applicant or permit holder may appeal the decision to the Pottawattamie County, Iowa Board of Health within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision.
  - B. When an application for a permit is denied or when a permit is revoked:
    - 1. The applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation unless the denial or revocation is due to administrative reasons only, as determined by Animal Control.
    - 2. Any chicken(s) shall be removed immediately.
    - 3. Any coop, fowl house, fencing or other structures shall be removed within ten (10) days of the date of the permit being denied or revoked.
  - C. Animal Control shall issue a permit within 7 to 10 working days from receipt of application.

3.50.040 DANGEROUS/VICIOUS ANIMALS PROHIBITED:

- .01 It shall be unlawful for any person to keep, harbor, purchase or sell a dangerous or vicious animal. An animal may be deemed dangerous/vicious by the Animal Control Officer based on the criteria specified below. For the purpose of this section, the term dangerous/vicious animal shall include but not be limited to any animal that either:
- A. Attacks and/or bites any person or other animal without provocation; and/or
  - B. Kills or seriously injures any person; and/or
  - C. Kills or seriously injures livestock or a domestic animal; and/or
  - D. Approaches any person or other animal in an apparent attack posture or in a vicious or terrorizing manner whether or not the attack is consummated; and/or
  - E. Is cited for running "at large" three (3) or more times in one year.

- .02 The Animal Control Officer may immediately seize such dangerous/vicious animal which shall be held for ten (10) days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal, the Animal Control Officer shall have cause for the euthanasia of the animal.
- .03 Dogs used in security or police work shall not be classified as dangerous/vicious if a bite or bites occur while the dog is actually performing in such a capacity.
- .04 Owner or Custodian Liability: If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in a place where he may lawfully be, the owner or custodian of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. If a dog or other animal, without provocation attacks or injures another animal, the owner or custodian of such dog or animal is liable for damages caused to the injured animal by the attack.

3.50.050 DANGEROUS ANIMALS ALLOWED: The prohibition contained in 3.50.040 of this Chapter shall not apply to the keeping of dangerous animals in the County under any of the following circumstances:

- .01 Dangerous animals kept at state licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment purposes.
- .02 Dangerous animals kept by federal, state, county and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.
- .03 Dangerous animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.
- .04 Dangerous animals kept in publicly owned zoos.
- .05 Dangerous animals kept for fur pelting businesses, subject to compliance with the Zoning Ordinance.
- .06 Dangerous animals kept by individuals meeting USDA permit requirements.
- .07 Dangerous animals commercially exhibited for ten (10) days or less.
- .08 Animals being commercially transported through the County.

3.50.060 IMPOUNDMENT:

- .01 It shall be the duty of the persons authorized by the Zoning Ordinance to operate or contract with an animal shelter, to supervise and control such a facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water, and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not reclaimed, and to assist in the enforcement and operation of this Chapter.

- .02 Animals found “at large” and abandoned animals may be taken and impounded at the animal shelter and confined in a humane manner.
- .03 Upon impounding an animal, the owner or custodian, if known, shall be given notice of impoundment within two (2) days and the owner or custodian shall then have three (3) days to reclaim the animal not counting the day of impoundment.
- .04 A person claiming an impounded animal shall pay impoundment fees and boarding fees as established by the animal shelter.
- .05 A person claiming an impounded animal shall provide proof of current rabies vaccination and county license if applicable.
- .06 A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
- .07 No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Animal Control Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized. The owner or custodian shall pay any fees associated with the euthanasia.
- .08 Animals not reclaimed within the time limitations provided by the Chapter shall become the property of the County or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
- .09 The refusal to reclaim any impounded animal shall not relieve the owner or custodian of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, euthanization fees or any other costs incurred in the care of the animal. Any owner or custodian who refuses to pay such expenses shall be in violation of this Chapter and subject to citation of a county infraction for the same.
- .10 Neither the County nor the animal shelter, nor their agents and officers enforcing the provisions of this Chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this Chapter.

3.50.070 REFUSAL OF ADMITTANCE: In the event the Animal Control Officer or the County Sheriff, in proceeding to enter onto a property to carry out the provisions of this Chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County. Said magistrate shall thereupon issue a warrant directed to the County Sheriff commanding him, between the hours of sunrise and sunset, accompanied by the Animal Control Officer to enter onto such property and to make such inspection as may be required to carry out the provisions of this Chapter, which order shall be executed by said County Sheriff under the direction of the Animal Control Officer.

3.50.080 MISCELLANEOUS PROHIBITED ACTS:

- .01 ABUSE: It shall be unlawful under this Chapter for any person to beat, starve or otherwise abuse any animal.
- .02 ANIMALS FOR ENTERTAINMENT: It shall be unlawful under this Chapter for any person to use animals for entertainment purposes, including but not limited to: horse tripping, steer tailing, selling or giving away any animal as an incentive, prize or novelty; owning, breeding or training any animal (or other similar activity) for purposes of fighting between such animal with another animal or human being; intentionally killing or injuring any animal for sport, wagering or entertainment. (Iowa Code Chapter 717D)
- .03 POISONING ANIMALS: It shall be unlawful under this Chapter for any person to knowingly poison or cause to be poisoned any domestic animal. Any drug used for euthanasia shall be used by or under the direction of a licensed veterinarian. (Iowa Code Chapter 717B)
- .04 KILLING ANIMALS: It shall be unlawful under this Chapter for any person to knowingly kill any domestic animal except: 1) in an emergency situation to end the immediate suffering of the animal; 2) when the animal is not under the supervision of its owner or custodian and is in the process of injuring, wounding or killing another animal or a human being; or 3) under the direction of a licensed veterinarian. (Iowa Code Chapters 351; 717B)

3.50.090 LICENSE REQUIRED: It shall be unlawful for any person to keep or harbor any dog over the age of six (6) months, which has not been issued a dog license. The Animal Control Officer shall issue no dog license unless the person has supplied 1) a valid rabies vaccination certificate and 2) a certificate of spaying or neutering for the dog for which the license is being applied. Current rabies and county dog license tags must be visible at all times. The filing fee as specified by Chapter 1.50 shall accompany said application. (*Ordinance #2010-03/July 2, 2010*)

3.50.100 PET RETAILERS.

- .01 It shall be unlawful for any person who owns, conducts, manages or operates any commercial animal establishment for which a license is required by the State of Iowa, to fail to comply with each of the following conditions:
  - (1) Every dog and cat offered for sale shall have been vaccinated against distemper. A certificate providing the name of the veterinarian and the date and treatment must be provided to the purchaser at the time of sale;
  - (2) No animal shall be transported by a pet shop or dealer, whether by private or public means, unless housed in a container appropriate for the size for the animal, and designed for that purpose including provisions for adequate ventilation, food and water;
  - (3) Each animal shall at suitable intervals and at least once every twenty-four (24) hours, receive a quantity of wholesome foodstuff suitable for the specie's physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
  - (4) Each animal shall have available at all times an adequate supply of clean, fresh, potable water;



- (5) Reasonable precautions shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in a manner made to suffer by any person or means;
- 6) Sick animals shall be sufficiently isolated so as not to endanger the health of other animals;
- (7) Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned, shall be kept in a sanitary condition and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animal, with sufficient light to allow observation of animals and sanitation;
- (8) Any animal shall be taken to a veterinarian for treatment if the animal control officer orders the owner or custodian to do so as necessary to maintain the health of the animal;
- (9) All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. At a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position;
- (10) No animals bearing evidence of malnutrition, ill health, infectious disease, unhealed injury or having been kept in an unsanitary condition shall be displayed or sold to the public.

.02 Records pertaining to the sale, purchase, transfer and medical treatment, including vaccinations, for all animals shall be open and available for inspection by a County Animal Control Officer during reasonable hours. All such records shall be maintained on the premises for a minimum period of twelve (12) months after the date of sale or transfer of any animal. Records shall include the source of the animal sold/transferred, the date of sale/transfer, identification and sex of the animal sold/transferred, and the name and address of the purchaser.

.03 No pet shop shall sell a dangerous animal or dangerous animal, per se, as defined in Section 3.50.005.16 of this Code.

### 3.50.110 ENFORCEMENT

.01 It shall be the duty of the Animal Control Officer and/or County Sheriff to enforce the provisions of this Chapter.

.02 Those representatives authorized to enforce this Chapter may issue a citation of county infraction with or without prior notice to any person who is alleged to have committed a county infraction.

3.50.120 VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75.