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Sheryl J. Thui, Recorder, Fees \$ no fee  
Number of Pages 8

*ret. to - Co. Auditor*

ORDINANCE NUMBER 35

ANIMAL CONTROL AND CARE ORDINANCE OF BOONE, COUNTY, IOWA

An ordinance establishing regulations regarding the treatment and control of animals in the unincorporated Area of Boone County, Iowa.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA:  
Sections:

- 1. Purpose.
- 2. Definitions.
- 3. Animals at Large prohibited.
- 4. Impounding Animals at Large.
- 5. Redemption of Impounded Animals.
- 6. Costs of Impoundment Paid by Owner.
- 7. Disposition of Unclaimed Animals.
- 8. Rabies Vaccination Required.
- 9. Rabies Tags Required.
- 10. Failure to Report Suspected Rabies Cases.
- 11. Confinement for Rabies Determination.
- 12. Standard of Care.
- 13. Poisoning of Animals Prohibited.
- 14. Duty upon Striking an Animal.
- 15. Nuisances.
- 16. Animal in Motor Vehicles-Rescue.
- 17. Animal Related Event.
- 18. Animals in Transport.
- 19. Notification of Guard Dog Location.
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- 21. Harassment of Animals.
- 22. Duty to Report Animal Abuse or Neglect.
- 23. Frequent Violators-Nuisance Abatement-Protective Custody.
- 24. Cruelty to Animals Prohibited.
- 25. Prohibited Practices.
- 26. Law Enforcement Unit Exempt.
- 27. Severability Clause
- 28. When Effective

Section 1. **PURPOSE.**

The purpose of this Chapter is to establish regulations regarding the treatment and control of animals in the county.

Section 2. **DEFINITIONS.**

- A. "Animal" is any non-human vertebrate.
- B. "Animal Control Officer" Boone County Sheriff, or his designee, shall be the officer charged with the duty of enforcing any provisions pertaining to animal(s).
- C. "Euthanasia" means to kill an animal in a humane manner.

- D. "**At Large**" means any animal off the premises of its owner and on other premises against the wishes of the person in possession of such other premises or upon the public streets, alleys, public grounds, school grounds or parks within the County. An animal shall not be deemed at large if:
- (a) The animal is on the owner's property or a neighbor's property with that neighbor's consent; or
  - (b) The animal is confined in a cage or motor vehicle; or
  - (c) The animal is restrained by a leash of sufficient strength to control its action; or
  - (d) The dog is actively engaged in training in dog obedience, for hunting or for other service under continual control of his owner or trainer provided that the owner or trainer is conducting the training in an open public area, is not endangering other users or animals in the area, has the dog within 30 yards and under continual voice control and has in his/her possession a dog leash appropriate to control the dog; or
  - (e) The animal is a draft animal engaged in drawing vehicles or conveyances.
- E. "**Owner**" means any person, firm, association, corporation, partnership or organization or agency of any type owning, keeping, sheltering or harboring an animal.
- F. "**Person**" means an individual, firm, corporation, partnership, association, trust, estate, or other legal entity.

### Section 3. **ANIMALS AT LARGE PROHIBITED.**

All animals shall be restrained by the owners thereof from running at large. The owner of any animal(s) found to be running at large or trespassing on public or private grounds is guilty of a violation of this section. To be guilty of a violation, the same animal(s) need not be found running at large more than once.

### Section 4. **IMPOUNDING ANIMALS AT LARGE.**

Any animal found at large shall be apprehended and impounded by the animal control officer. The animal control officer shall have the right to enter upon private property when it is necessary to do so in order to apprehend any animal that has been running at large. Such entrance upon private property shall be in reasonable pursuit of the animal(s) and shall not include entry into a domicile unless it is at the invitation of the occupant. If the animal control officer makes a reasonable determination that the animal at large is dangerous or fierce and a threat to human safety, and that it cannot be safely captured, the animal may be killed.

### Section 5. **REDEMPTION OF IMPOUNDED ANIMALS.**

- A. When an animal has been apprehended and impounded for being at large or for any other reason, said animal may be redeemed by the owner by a payment of the appropriate service fee or fees as established by resolution of the Board of Supervisors.
- B. The owner of such animal shall be notified that upon payment of impounding costs, such animal(s) will be returned. If the impounded animal(s) are not recovered by their owners within 7 days after notice, they shall be disposed of in a manner determined by the animal control officer.

### Section 6. **COST OF IMPOUNDMENT-DISPOSAL OF IMPOUNDED ANIMALS-PROCEDURE.**

- A. Any owner who is found in violation of this chapter shall pay, in addition to any fine or costs assessed for a plea of guilty or conviction, all costs of impoundment including but not limited to food, boarding fees and immunization, regardless of whether the owner claims the animal(s) or not. If the animals are not reclaimed, the owner shall also pay the costs of euthanasing the animal and disposal of its carcass.
- B. Before an animal is euthanized, the animal control officer, law enforcement or the Boone Area Humane Society shall send or have served a written notice to the owner that unless the animal or fowl is reclaimed within five (5) days of the receipt of the notice, they may proceed to euthanasia the animal without further notice. Any animal may be adopted out in place of being euthanized without further notice to the owner once the five (5) days have elapsed.
- C. Any dogs or cats that are reclaimed, must be properly licensed and all immunization brought current. Also, all impoundment fees including food and boarding fees must be paid.

**Section 7. DISPOSITION OF UNCLAIMED ANIMALS.**

If the unknown owner of an animal apprehended or impounded cannot be located after seven (7) days, or if an owner when known, does not, after reasonable notice, claim the animal within seven (7) days, the animal may be humanely destroyed or otherwise disposed of. If in the opinion of the animal control officer, an animal is too sick or injured to keep humanely for seven (7) days, the animal may be euthanized.

**Section 8. RABIES VACCINATION.**

Every owner of a dog, cat or horse shall obtain a rabies vaccination for each animal between three (3) and four (4) months of age and at such intervals thereafter as stipulated by the manufacturers of the vaccines used. This section applies to all dogs, cats and horses for shows, exhibitions or performance, or in transit. This section does not apply to dogs, cats and horses in transit that are continuously held in secure cages and dogs, cats and horses assigned to research, production of biologics, and licensed animal care shelters or similar facilities.

**Section 9. RABIES TAGS REQUIRED.**

All dogs and cats over the age of four months shall wear a collar or harness to which a valid rabies tag is attached. This section shall not apply to dogs being exhibited or trained at a kennel club event or while being transported to and from such event if the dog is properly controlled and the owner or trainer has in their possession documentation of valid vaccination and registration.

**Section 10. FAILURE TO REPORT SUSPECTED RABIES CASES.**

It shall be the duty of the owner of any animal, which has bitten or attacked a person or is suspected of having rabies or any person having knowledge of such bite or attack or suspicion of rabies to report this to a local enforcement officer.

**Section 11. CONFINEMENT FOR RABIES DETERMINATION.**

When an animal control officer receives information that any person has been bitten by an animal or that an animal is suspected of having rabies, the animal control officer shall investigate and may order confinement of the animal in accordance with the provisions of this section. Failure or refusal to comply with such order shall be a violation of this section.

- (1) Dogs or cats may be confined for observation for ten (10) days at the animal shelter or under the care of a licensed veterinarian. The animal control officer may permit confinement at the residence of the owner if the dog or cat has

appropriate vaccination records; the dog or cat is not clinically suspected of being rabid and subject to other conditions imposed by the animal control officer. Dogs and cats suspected of rabies may be humanely euthanized and examined by an authorized diagnostic laboratory for rabies without confinement upon the owner's request or when there has been a severe attack on the face or neck.

- (2) Animals other than dogs or cats, which are known to have bitten a person or are, suspected of rabies shall be examined by a licensed veterinarian. Depending on the veterinarian's recommendation, the animal may be quarantined and/or humanely euthanized and examined by an authorized diagnostic laboratory for rabies.

#### **Section 12. STANDARD OF CARE.**

All owners and keepers of any animal shall comply with the following standards of care. Failure to comply with any standards shall be a violation of this section and constitute a simple misdemeanor:

- (1) It shall be the duty of each person keeping an animal to provide adequate food, shelter and water for that animal. No person keeping an animal shall abandon any such animal. Abandon shall mean ceasing to provide control over, shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person.
- (2) It shall be the duty of each person keeping an animal to provide adequate food which shall mean providing at intervals appropriate for the species a quantity of wholesome food stuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal.
- (3) It shall be the duty of each person keeping an animal to provide adequate outdoor shelter for such animal when it is kept outdoors, tangle-free, which shall mean a structurally sound, weather-proof, properly ventilated shelter, which provides access to shade from direct sunlight and regress from exposure to weather conditions. The shelter should be appropriate for the particular species and breed.
- (4) It shall be the duty of each person keeping an animal to provide adequate indoor shelter for such animal when it is kept indoors, which shall mean a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature, and to provide for its health and comfort. It should be appropriate for the particular species and breed.
- (5) It shall be the duty of each person keeping an animal to provide adequate sanitation which shall mean periodic cleaning or sanitizing housing facilities, and any area where the animal is confined or restrained to remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors and disease hazards.
- (6) It shall be the duty of each person keeping an animal to provide adequate space, which shall mean primary enclosures, and housing facilities shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate

freedom of movement to maintain healthy physical condition. The space shall be appropriate for the particular species.

- (7) It shall be the duty of each person keeping an animal to provide adequate veterinary care, which shall mean that a sick, diseased, or injured animal shall be provided with a proper program of care by a veterinarian, or humanely euthanasia. All animals shall be provided with proper immunizations and preventive health care including parasite control.
- (8) It shall be the duty of each person keeping an animal or to provide adequate water, which shall mean reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner. If potable water is not accessible to the animal at all times, it shall be provided daily, for such duration and of sufficient quantity as appropriate for the species.
- (9) It shall be the duty of each person keeping an animal to keep the animal cleaned and to provide proper grooming as appropriate for the species.

**Section 13. POISONING OF ANIMALS PROHIBITED.**

No person shall knowingly expose any poisoned meat, food or other poisoned substances on public or private property where the same may be taken by any human being or domestic animal.

**Section 14. DUTIES UPON STRIKING AN ANIMAL.**

Any person who, as the operator of a motor vehicle, strikes an animal shall report such injury or death to the animal control officer or the Boone County Sheriff's Department.

**Section 15. NUISANCES.**

The following acts and circumstances are hereby declared to be nuisances and therefore prohibited.

- A. The keeping of an animal(s) on private property in such numbers or in such manner that allows for the accumulation of solid waste of such animal(s) which becomes a detriment to or menace to the health of the animal(s), or an annoyance to humans.
- B. Allowing any dog, cat or animal to bay, bark, whine or howl or make a sound of any kind or nature for prolonged periods in such manner as to unreasonable disturb the peace and quiet of the vicinity.
- C. Allowing pet animal(s) to cause any damage or defilement to public or private property.
- D. Allowing pet animal(s) to molest any person on public or private property who has a legitimate reason to be thereon.

**Section 16. ANIMALS IN MOTOR VEHICLES-RESCUE.**

No person shall leave an animal unattended in, or tethered to, a standing or parked motor vehicle, in a manner that endangers the health or safety of the animal.

The following persons may use reasonable means, including reasonable force to remove an animal from a motor vehicle when there is an apparent violation of this section.

- (1) Animal control officer under the jurisdiction of a state or local governing body;

- (2) Peace officer;
- (3) A member of a fire or rescue squad.

The person rescuing the animal shall notify the animal control officer who may take the animal to a veterinarian for treatment, if necessary. The cost of such treatment shall be paid by the County and the County shall claim reimbursement from the person judged to be responsible for leaving the animal unattended.

**Section 17. ANIMAL RELATED EVENTS.**

No performing animal exhibition, circus, or animal related event 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 injury or suffering. All equipment used on a performing animal shall fit properly and be in good working condition.

The animal control officer shall be notified of all public animal auctions and all public events in which animals that perform are exhibited or are available for hire.

Where applicable, all animal related events, including public auctions, animal exhibitions, and circuses must comply with the standards set out in the Code of Federal Regulations, Title 9, Part 3, Animals and Animal Products.

**Section 18. ANIMALS IN TRANSPORT.**

No animal shall be transported in the open bed of a pickup truck, except when the animal is secured inside a cage or kennel or is secured by a leash or tether sufficiently short to keep the animal inside the pickup box at all times.

No person shall transport an animal in a box, container, or cage without proper ventilation and proper space requirements for that animal. Applicable standards set out in the Code of Federal Regulations, Title 9, Part 3, Animals and Animal Products shall apply.

**Section 19. NOTIFICATION OF GUARD DOG LOCATION.**

Any person who harbors a guard dog in an area not adjoining the owner's residence shall post notice of the animal's presence and purpose at the place where the dog is being harbored.

**Section 20. SHELTER FEES.**

From time to time there may be established by resolution of the Boone County Board of Supervisors, a schedule of fees to defray the costs of caring for impounded animal(s). Failure or refusal by the owner of an impounded animal to pay such fees shall constitute a violation of this section.

**Section 21. HARASSMENT OF ANIMALS.**

It shall be unlawful to engage in harassment of an animal except when this action is deemed necessary to protect persons or their property from the animal. No person, except the owner of an animal or his/her authorized agent shall willfully open any door or gate on any private or public premises for the purpose of enticing or enabling any such animal to leave such premises.

**Section 22. DUTY TO REPORT ANIMAL ABUSE, NEGLECT.**

It shall be the duty of any person having knowledge of or observing animal abuse, cruelty or neglect to report such to a local enforcement agent.

Section 23. **FREQUENT VIOLATORS-NUISANCE ABATEMENT-  
PROTECTIVE CUSTODY.**

- (A) Conviction of a person for violation of any provision of this ordinance for a fourth or subsequent time, not necessarily the same provision of said Ordinance, shall be punished by a penalty of not less than \$ 100 nor more than \$200.
- (B) After the third conviction for violation of any provision of this ordinance by the same person with respect to any animal(s) at any site or sites, a proceeding for a fourth violation against that person for a violation of said Ordinance may include a request to the Court for an order that a specified animal being kept by the person be relocated or other disposition made within a reasonable time to be specified in the County's request to the Court.
- (C) An animal that is a nuisance as declared by this ordinance, or an animal being kept in circumstances that are a nuisance as declared by said Code Section, may be impounded by the County's animal control officer so as to abate the nuisance. If the keeper of the animal so impounded is known, a violation of the said Section 15 may be charged against that person. Additionally, the enforcement personnel may ask the Court for an order that the animal be relocated or other disposition made within a reasonable time to be specified in the request for such order.
- (D) When there is a violation of Section 12 of this ordinance, (Standard of Care), the animal control officer may cause an animal(s) affected by such violation to be taken into protective custody. The owner and/or keeper failing to meet the requirements of said Section 12 may be charged with a violation of the Section. Additionally, the animal control officer may, in the proceedings brought for violation of said Section 12 ask the Court for an order that the affected animal be relocated or other disposition made within a reasonable time to be specified in the request for such order.
- (E) The County shall ask the Court to specify in any order directing that an animal be relocated or other disposition made that during the time allowed for relocation or other disposition the animal be kept in conformance with conditions and circumstances as specified in the Court's order, such conditions and circumstances to be reasonably proposed by the County in its request to the Court.
- (F) When an animal is impounded or taken into protective custody by the County's animal control officer, the owner of the animal shall reimburse the County for the expense of nourishing and caring for the animal while impounded or in the protective custody of the County, and an animal shall not be released from impoundment or protective custody until the amount of such reimbursement due and payable to the County has been received by the County. If the animal is not reclaimed and the expense of its care paid to the county within 14 days from the day the animal is available for release, the animal may be euthanized or made available for adoption.

**Section 24. CRUELTY TO ANIMALS SPECIFIED.**

Any person who tortures, torments, deprives of necessary sustenance, mutilates, overdrives, overloads, drives when overloaded, cruelly beats or cruelly kills any animal, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, or drives or works the same when unfit for labor, or cruelly abandons the same or commits any other act of omission by which unjustifiable pain, distress, suffering or death is caused to any animal is guilty of a misdemeanor.

**Section 25. PROHIBITED PRACTICES.**

Any practice and/or procedure designed or intended to increase the aggressiveness and attack propensities of an animal is guilty of a misdemeanor.

**Section 26. LAW ENFORCEMENT CANINE UNIT EXEMPT.** The canine unit of Law Enforcement is hereby exempt from the provisions of this chapter.

**Section 27. 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 in valid or unconstitutional.

**Section 28. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Summary published on May 7 , 2001.

Moved by Sorensen, Olson stepped down to second the motion to approve the first reading of Ordinance #35 on April 4, 2001. NO: None; YES: Olson, Sorensen. Motion carried.

Moved by Sorensen, Reed stepped down to second the motion to approve the second reading of Ordinance #35 on April 11, 2001. NO: None; YES: Reed, Sorensen. Motion carried.

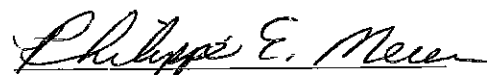
Moved by Reed, second by Sorensen to approve the third reading and adopt Ordinance # 35 on April 20, 2001. NO: None; YES: Reed, Olson, Sorensen. Motion Carried.

Passed and adopted this 20th day of April 2001.  
NO: None; YES: Reed, Olson, Sorensen. Motion carried.

ATTEST:



Donovan Olson, Chairman  
Boone County Board of Supervisors



Philippe E. Meier  
Boone County Auditor

