

## TITLE II - COMMUNITY PROTECTION

### ARTICLE VIII ANIMAL CONTROL, DANGEROUS AND VICIOUS ANIMALS

2-8.1 DEFINITIONS. For use in this Article, the following terms are defined as follows:

1. "Animal" means every wild, tame or domestic member of the animal kingdom other than the genus and species Homo sapiens.
2. "Animal Control Officer" means the person designated by the City Council to enforce this Article. If no such person has been so designated, it means the mayor, the mayor-pro-tem and/or Clerk/Treasurer.
3. "At Large" means any animal found off the premises of his owner and not accompanied by and obedient to the commands of the owner or a competent, responsible person; or on a leash, cord or chain not more than six feet in length, and under the control of a person competent to restrain and control the animal; or confined within a motor vehicle; or at any time when attacking persons, attacking domestic animals or destroying property.

Further, any female dog or cat in heat shall be deemed "at large" at any time except: a) when housed in a bulding which is completely enclosed; or b) when housed in a kennel; or c) when on the premises of the owner; provided the area on which such animal is located is completely enclosed by a fence or other structure having a height of at least forty-two inches (42"). Nothing in this provision, however, shall be construed as prohibiting any owner of a female dog or cat in heat from walking such animal

with a leash, cord or chain not more than 6 feet in length  
or from transporting such animal in a motor vehicle.

4. "Attached/ Attempted to Bite" means chasing, growling or  
snarling at any person in a vicious or angry manner as to put  
any person in apprehension of immediate or imminent bodily harm.

5. "Dangerous Animal" means (a) any animal which is not  
naturally tame or gentle, and which is of a wild nature or dis-  
position, 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)  
any animals declared to be dangerous by the City Council or  
its designee; (c) the following animals which shall be deemed  
to be dangerous animals per se:

- (1) Dogs of the variety commonly referred to as "pit bull";
- (2) Wolves and coyotes;
- (3) Badgers, wolverines, weasels, mink, and other Mustelids  
(except ferrets);
- (4) Bears;'
- (5) All apes (including chimpanzees), baboons and macaques;
- (6) Monkeys, except the squirrel monkey;
- (7) Elephants;
- (8) Wild boar;
- (9) Black widow spiders and scorpions
- (10) Snakes which are naturally venomous or poisonous;
- (11) All cats, except domestic cats (Carnivores of the family  
Felidae including, but not limited to, lions, cougars,  
tigers, jaguars, leopards, lynx, bobcats, etc.);
- (12) Raccoons, opossums and skunks;

## (13) Alligators and crocodiles.

6. "Dog": shall mean and include members of the canine species, male and female, whether neutered or not.

7. "Horse " : a large solid-hoofed herbivorous mammal (*Equus caballus*) .

8. "Kennel": shall mean any premises on which four (4) or more dogs, or four (4) or more cats, six (6) months old or older, are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.

9. "Owner" or "Owner of an animal": shall be intended to mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.

10. "Person ": means any individual, association, partnership or corporation, and includes any officer, employee or agency thereof.

11. "Pet Shop " : any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species, except the operation of a kennel, agriculture or wild life pursuits.

12. "Riding School or Horse Stable!": any person, partnership or corporation engaged in the business of teaching persons to ride horses, or providing horses to ride for a fee.

13. "Vicious animal": means any animal, except for a dangerous animal per se, as listed above, while running at large that has attacked or bitten, or attempted to bite, any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct, (a) by biting a person or persons on two separate occasions with a twelve (12) month period; or

(b) did bite once causing injuries above the shoulders of the person; or (c) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (d) has attacked or bitten any domestic animal or fowl on two separate occasions within a twelve (12) month period; or (e) which has been found to possess such a propensity by the City Council, after hearing.

2-8.2 **RUNNING AT LARGE.** It shall be unlawful for the owner of an animal, including, but not limited to cats, dogs, cattle, horses, swine, sheep, fowl, or any animal defined as dangerous to vicious by this article, to run at large within the corporate limits of the City.

2-8.3 **KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City of Salem, except as provided herein below.

2-8.4 **DANGEROUS ANIMAL EXCEPTIONS.** The prohibition contained in 2- 8.3 above shall not apply to the keeping of dangerous animals in the following circumstances:

- (1) 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.
- (2) The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus carnival exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintains

any and all required federal or state licenses.

(3) The keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment.

(4) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.

(5) Any dangerous animals under the jurisdiction of and in possession of the Iowa Conservation Commission, pursuant to Chapter 109 and 109A of the Iowa Code.

#### 2-8.5 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the animal control officer, be destroyed if it cannot be confined or captured. The City of Salem shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to the animal's destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises located in the City of Salem, the animal control officer shall cause the matter to be investigated, and if after the investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the animal control officer shall order the person named in the complaint to safely remove such animal from the City of Salem, or permanently place the animal with an organization or group allowed

under 2-8.4 of the Code to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the animal control officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the animal control officer may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. After such hearing, the City Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

5. If the City Council affirms the action of the animal control

officer, the Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under 2- 8.4 above to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notices of removal. If the original order of the animal control officer is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Council was issued has not petitioned the Henry County District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under 2-8.4 above to possess dangerous animals, or destroy such animal in a humane manner.

2-8.6

**KEEPING OF VICIOUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor for any reason, within the City a vicious animal so defined herein.

2-8.7

**SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.**

1. The animal control officer, in his discretion or upon receipt of a complaint<sup>1</sup> alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by

the City Council. The person, firm or corporation owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the city or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the City Council determines that an animal is vicious, the Council shall order the person, firm or corporation owning, sheltering, harboring or keeping the animal to remove it from the city, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Council was issued has not petitioned the Henry County District Court for a review of said order, the animal control officer shall cause the animal to be destroyed.

3. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the animal control officer may immediately



destroy it. If the animal's ownership is not ascertainable, the animal control officer may destroy it after three (3) days impoundment.

4. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

2-8.8

#### SEIZURE AND IMPOUNDMENT OF AT LARGE ANIMALS.

1. Any dog, cat or other animal at large in the City of Salem, Iowa, shall be taken by the animal control officer and impounded at an animal control center and be confined there in a humane manner.
2. If, by an identifying tag or other means, the owner of such animal can be determined, the animal control officer shall notify such owner as soon as possible by telephone or mail of the impoundment of the animal.
3. All such animals found without a license (where licensing is required), collar, or similar identification, shall be kept for not less than five (5) days after being impounded unless sooner redeemed by the owner in accordance with the provisions of this Article. Such animals with such identification shall be kept not less than seven (7) days after being impounded unless sooner redeemed by the owner. At the expiration of the required holding period, any animals not claimed or reclaimed shall be the property of the City and shall be humanely disposed of or given to an appropriate

person or party for adoption.

4. It shall be lawful for any person who finds an animal at large on public or private property to seize and hold the animal. Any person so seizing and holding an animal may restrain the animal on the premises by adequate protective fence or by any other means that does not allow the animal to go beyond their property line. Persons seizing and holding an animal shall immediately notify the animal control officer and shall be responsible for the humane treatment of the animal while it is under that persons' custody.

#### 2-8.9 CLAIMING IMPOUNDED ANIMALS.

1. With proper identification, the owner of an impounded animal shall be entitled to resume possession of such animal, before the disposal of such animal by the city on the following conditions:

A. The owner shall present proof of current identification tag( s), or the owner must obtain such identification tags for such animal (if required by law); and

B. The owner must pay all penalties, fines and all costs and charges incurred by the city for the impoundment and care of the animal.

2. When any animal under this Title is impounded, the owner shall pay an impoundment fee. The owner may also be charged a fee for the care of an impounded animal.

(Ordinance 2005-2, passed June 7, 2005)

3. The owner of any impounded animal, which has not been vaccinated, upon satisfactory proof of ownership may redeem their animal by making a deposit of ten dollars (\$10.00) with the animal control center and be allowed twenty-four (24) hours to get

such animal vaccinated against rabies and distemper. If the owner fails to procure a vaccination certification within twenty-four (24) hours, the deposit shall be forfeited; and the animal shall be impounded again. Upon presentation within the twenty-four (24) hour time period of a certificate of vaccination issued under this Article, the deposit shall be refunded.

**2-8.10 IMPOUNDMENT FEE AND FEE FOR CARE OF IMPOUNDED ANIMALS.**

A. The impoundment fee shall be sixty dollars (\$60.00) for the first time an animal is impounded and thereafter for each subsequent impoundment of the same animal the fee shall be eighty dollars (\$80.00).

B. The fee for the care of an impounded animal shall be equal to any fee or amount which is charged to the City of Salem by the impoundment facility for the care of an impounded animal.

**2-8.11 THE GRANDFATHER CLAUSE.** The dogs of the variety commonly referred to as "pit bull" confined within the City limits on April 5, 1990 (including the one owned by Harry and/or Carol Steams), shall be allowed to remain within the City limits after the effective date of this ordinance provided said dog(s) be properly confined in a pen built according to the specifications which are set forth on Exhibit A attached hereto and made a part hereof and which specifically approved by the City Council, and provided said owners implement all other safety measures required in said specifications. Said owners shall have fourteen (14) days after notice to him/her/them of the provisions of this Article to build said pen and confine said dog(s) therein and implement all other required safety measures. Failure to do so shall result in the seizure,

impoundment, and disposition of said dog(s) pursuant to Section 6 hereof.

2-8.12 DAMAGE OR INTERFERENCE. It shall be unlawful for the owner of an animal to

allow or permit any animal to pass upon the premises of another thereby causing  
damage to, or interference with, the premises.

Article continued on following page.

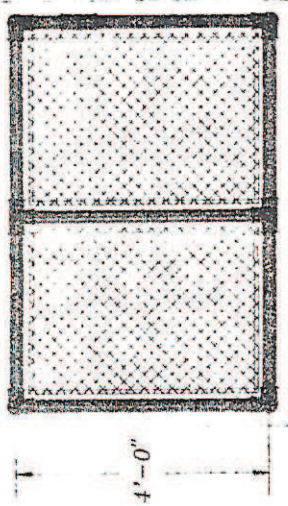
2-8.13 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of an animal to allow or permit any animal to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

2-8.14 PENALTY. Any person who violates the provisions of this Article shall be guilty of a public offense and upon conviction therefore, shall be subject to a fine not to exceed one hundred dollars (\$100.00) for each day of violation, or by imprisonment for a period not to exceed 30 days.

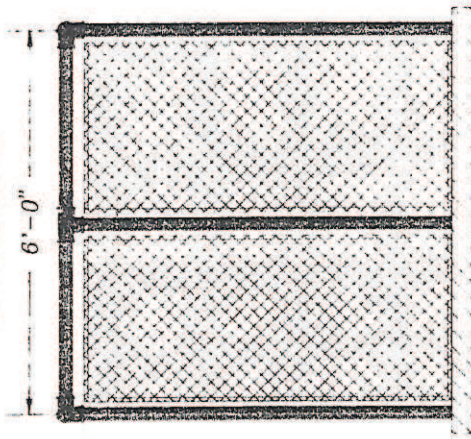
Further, the animal control officer shall have the authority to assess a civil penalty against the owner of any animal for the violation of the provisions of this Article. The civil penalty shall be in the amount of ten dollars (\$10.00) for the first violation and twenty-five dollars (\$25.00) for any subsequent violations within twelve (12) months of a previous violation by the same owner regardless of the animal involved.

(Ordinance No. 1990-1, passed April 5, 1990. Ordinance No. 1990-6 passed November 13, 1990, amended 2-8.1(3) and added Sections 2-8.8, 2-8.9 and 2-8.10 and added the civil penalty Section 2-8.14. See following page for Exhibit A referred to in 2-8.11.)

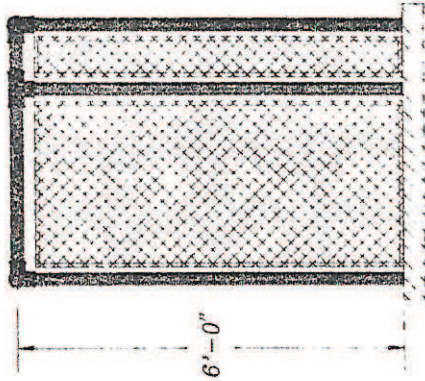
6'-8" x 4'-8" x 4" thk. concrete pad  
reinforced with 6" x 6" wire mesh.



TOP VIEW



SIDE VIEW



DOOR END VIEW

EXHIBIT "A"  
ORDINANCE NO. 1990-01

SPECIFICATIONS:

Terminal posts are 2-1/2" O.D.  
All fittings must be commercially mfgd. and used at all post intersections.  
Fence fabric must be 9-gauge wire with 2" mesh.  
Posts must be secured in concrete pad.  
Bottom of fence fabric must be securely attached to concrete pad.  
Door lock must be a keyed padlock and hold door completely closed.  
Door must be steel framed, commercially manufactured, and mounted on hinges supplied by the manufacturer of the fence fittings.  
Fence fabric panels must be secured to posts with a minimum of 10 panel mounting clips evenly spaced around the sides and top of panel

NO.	QTY.	DESCRIPTION	MAT'L
		CITY OF SALEM HENRY COUNTY, STATE OF IOWA	
		SCALE: 1/2" = 1'	DRAWN BY: A.W.
		DATE: 4/4/90	REVISED:
		Specifications for dangerous animal retention compound	
		DRAWING NO.	