

**CHAPTER 36 – ANIMAL CONTROL AND
RABIES ORDINANCE
OF DUBUQUE COUNTY, IOWA**

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**PART 1
INTRODUCTION**

- 36-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
- 36-1.1 **“Abandoned Animal”**.
- a. An animal whose owner has left it without making reasonable arrangements to provide for its proper care, sustenance, shelter and medical care (i.e.: unattended for more than 24 hours without food or water, in need of medical care, etc.) and maintenance of life or
- b. An animal released by a person with the intent of not caring for the animal or
- c. Any animal not being provided with adequate care.
- 36-1.2 **“Adequate Care”**. The provision of normal and prudent attention to the needs of an animal, to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, and veterinary medical attention in order to maintain an animal in a state of good health in a specific species of animal.
- 36-1.3 **“Animal Control Agency”**. Any public or private agency delegated authority by the Board of Health to enforce portions of this ordinance; or any public or private agency designated by the state, county supervisors, or a municipality as their animal control agent.
- 36-1.4 **“Animal Shelter”**. A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other profit or nonprofit devoted to the welfare, protection and humane treatment of such animals.
- 36-1.5 **“At Large”**. Any domesticated animal found off the premises of the owner. An animal shall not be deemed at large if:
- a. The animal is on the property of another with permission of the property owner or lessee, or
- b. The animal is on a leash or similar restraint and is under the control of the owner/keeper, or is off leash but under the direct supervision of the owner/keeper and is obedient to that responsible person’s command, and that person has in their possession a leash or similar restraint, or
- c. The animal is confined within a secure enclosure, or
- d. The animal is Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the animal

- within the motor vehicle, or
- e. The animal is engaged in sanctioned exhibitions or obedience classes, field trials or other recognized dog or cat competition.
 - f. Animals in the act of hunting which are under the control of the licensed owner or keeper; e.g. dogs used for hunting foxes, raccoons, pheasants, quail, ducks, geese, etc., or dogs used by law enforcement personnel.
- 36-1.6 **“Board of Health”**. The Dubuque County Board of Health.
- 36-1.7 **“Board of Supervisors”**. The Dubuque County Board of Supervisors.
- 36-1.8 **“Cat”**. Male and female cats.
- 36-1.9 **“Contractual Agency”**. Authorized to act on behalf of another to create a legal relationship with a third party (as an example but not limited to a pound or humane society).
- 36-1.10 **“Dangerous Animal”**.
- a. Any animal which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among humans or domestic animals and having known tendencies as a species to do so;
 - b. Any animal(s) declared to be dangerous by State Code, Chapter 717F
- 36-1.11 **“Dog”**. Male and female dogs.
- 36-1.12 **“Domesticated”**. to tame (an animal), especially by generations of breeding, to live in close association with human beings as a pet or work animal and usually creating a dependency so that the animal loses it’s ability to live in the wild.
- 36-1.13 **“Exotic Animals”**. Any animal(s) declared to be exotic by State Code, Chapter 351.
- 36-1.14 **“Health Officer”**. The Executive Director of Dubuque County Health Department and his/her designated agent.
- 36-1.15 **”Impound”**.
- a. The confinement of the animals to the property of the owner or custodian of the animals with provisions being made for the care of the animals pending review and final disposition.
 - b. The physical removal of the animals to another facility for care pending review and final disposition.
- 36-1.16 **“Keeper”**. Any person other than the owner keeping, sheltering, having control or custody of or harboring a dog or cat.
- 36-1.17 **“Kennel”**. A place or establishment where dogs or cats are kept or raised for the purpose of breeding, boarding, training, racing at a licensed pari-mutual track, exchanged or offered for sale to the general public and which are kept under constant restraint.
- 36-1.18 **”Neutered”**. Shall refer to a surgical procedure that has been performed on a dog or cat that renders it incapable of bearing offspring.
- 36-1.19 **“Nuisance”**. Any animal shall be considered a nuisance if it:
- a. Damages, soils, or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately

- removed and properly disposed of by the owner.
- b. Causes unsanitary, dangerous or offensive conditions.
 - c. Causes a disturbance by excessive barking or other noise making or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.
- 36-1.20 **“Owner”**. Any person confining, harboring, maintaining, owning, or sheltering an animal.
- 36-1.21 **“Potentially vicious animal”**. An animal that:
- a. When unprovoked, has engaged in any behavior that has required a defensive action by any person to prevent bodily injury when the person and animal were off of the property of the owner or keeper of the animal; or
 - b. When unprovoked, chases or approaches a person, an animal upon the streets, sidewalks, or any public or private property other than the property of the owner or keeper, in a menacing fashion or apparent attitude of attack.
- 36-1.22 **”Pound”**. A facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned or unwanted dogs, cats or other animals. A pound shall not be operated unless a certificate of registration for the pound is granted by the Secretary of Agriculture and Land Stewardship. Application for the certificate shall be made in the manner approved by the Secretary. Certificates of registration expire one year from the date of issue unless revoked and may be renewed upon application in the manner provided by the Secretary. A registered pound may engage in the sale of dogs or cats under its control, if the privilege is allowed by the department, but no fee shall be charged unless the registered pound is privately owned. The registration fee for a privately owned pound that sells dogs or cats is fifteen dollars (\$15) per year. (Iowa Code 162.3)
- 36-1.23 **“Provocation”**. Threatening, teasing, or striking an animal, or striking the animal’s owner either on or off the animal owner’s property.
- 36-1.24 **“Reclaimed”**. Notice by the owner to the Animal Control Agency of ownership of an impounded animal.
- 36-1.25 **“Redemption”**. Payment of the impoundment fee to the Animal Control Agency for the fee assessed for animal impoundment.
- 36-1.26 **“Vicious Animal”**. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation and has a history of aggressive or menacing behavior or when an attack or bite results in serious bodily injury.
- 36-1.27 **“Unsanitary Conditions”**. When animal occupied space is not free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal’s health. This

- definition does not include a condition resulting from any customary and reasonable practice pursuant to farming or animal husbandry.
- 36-1.28 **”Zoonosis”**. Any infectious disease that can be transmitted between species from animals to humans.
- 36-2 **ABANDONMENT OF ANIMALS**. It shall be unlawful for the owner or keeper of any animal to abandon it.
- 36-3 **ADEQUATE CARE**. It shall be unlawful for the owner or keeper of an animal to fail to provide adequate care. Violation of this provision may result in the impoundment of such animals found fitting this description and the owner/keeper will be responsible for all costs associated with the boarding and/or medical care provided.
- 36-4 **RUNNING AT LARGE**. It shall be unlawful for any owner or keeper to permit or allow an animal to run at large.
- 36-5 **NUISANCE**. It shall be unlawful for any owner or keeper to permit an animal to commit a nuisance.
- 36-6 **HARASSMENT/UNAUTHORIZED RELEASE OF ANIMALS PROHIBITED**.
- 36-6.1 It shall be unlawful for a person to repeatedly or persistently tease, torment, agitate, or attack an animal owned by another person except when such action is deemed necessary to protect persons or their property from the animal.
- 36-6.2 No person, except the owner of an animal or his/her authorized agent, shall willfully open any gates, bars, doors, fences, partition, or any portion of a kennel, etc., on any private or public premises for the purpose of enticing or enabling the animal to leave such premises.
- 36-7 **HARBORING A VICIOUS ANIMAL**. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the county.
- 36-8 **RESISTING OR INTERFERING WITH ANIMAL CONTROL OFFICERS**. It is unlawful for any person to, in any way, interfere with the duty of an animal control officer. This includes physical or verbal abuse.
- 36-9 **BOARD OF SUPERVISORS AUTHORITY**. The Board of Supervisors are hereby authorized to contract from year-to-year with any pound or animal shelter as defined by Section 162.2 of the Code of Iowa for carrying out the provisions of this ordinance including the collection, protection, and disposition of dogs and cats and the collection of

fees/penalties.

- 36-10 DIRECTING AN ANIMAL WITH MALICIOUS INTENT. No person shall direct, encourage, cause, allow or otherwise aid or assist any animal to threaten, charge at, intimidate, bite, harass, menace, or attack any person except dogs used by law enforcement personnel in the performance of their duties.
- 36-11 USE OF AN ANIMAL IN ILLEGAL ACTIVITY PROHIBITED. No person shall keep, maintain, control or retain custody of any animal in conjunction with, or for the purpose, whether in whole or in part, of aiding, abetting, or conducting illegal activity or committing any crime.
- 36-12 through 36-20 Reserved

**PART 2
RABIES CONTROL**

- 36-21 VACCINATION REQUIRED.
- 36-21.1 Every owner of a dog or cat shall obtain a rabies vaccination for such animal in accordance with the Compendium of Animals Rabies Control as compiled by the National Association of State Public Health Veterinarians, Inc. It shall be a violation of this chapter for any person to own or have a dog or cat in the person’s possession, six (6) months of age or over, which has not been vaccinated against rabies. Code of Iowa Chapter 351.33
- 36-21.2 Dogs and cats shall be vaccinated against rabies by a licensed veterinarian with a vaccine approved by the Iowa Department of Agriculture and administered in accordance with the following schedule:

<u>Class of Animal</u>	<u>Age At Vaccination (Months)</u>	<u>Primary Booster</u>
Dogs/Cats	6 Months	1-Year Later, Triennially thereafter

- 36-21.3 The veterinarians use the vaccine in accordance with the Rules of the Iowa State Department of Agriculture.
- 36-21.4 The veterinarian shall issue a rabies tag with the certificate of vaccination. The veterinarians shall provide a monthly list which includes the owner’s name,

animal type, rabies tag number and date of vaccination to the Dubuque County Health Department via e-mail at dbqcohealth@dbqco.org or hard copy. Rabies tag shall at all times be attached to the collar of the dog or cat. Section 351.35 of the Code of Iowa.

36-22 REPORT OF BITES

- 36-22.1 It shall be the duty of the owner of any animal which has bitten or attacked a person, or any person having direct (i.e., eyewitness) knowledge of such a bite or attack to report this act to a health department/law enforcement official per Iowa Code 351.38.
- 36-22.2 Every veterinarian shall report to the health department/law enforcement any diagnosis of rabies.

36-23 QUARANTINE OF ANIMALS

- 36-23.1 An owner whose animal is suspected of having rabies or other disease communicable to humans, or which has bitten a person shall place the animal in isolation under quarantine under the direction of the health department/law enforcement for ten (10) days.
- a. Current Rabies Vaccination:
In the event the animal has a current rabies vaccination, the health department/law enforcement may authorize the owner to quarantine the animal at the owner's home. The owner or keeper must agree to:
- (1) immediately notify the health department/law enforcement of any changes in the animal's health or disposition,
 - (2) to allow representatives of the health department/law enforcement to enter upon the property and to examine the animal at any time,
 - (3) to immediately take the animal to a contractual agency, shelter, or a licensed veterinary clinic for examination at any time when directed by the health department/law enforcement.
 - (4) The owner or keeper must further agree to immediately surrender the animal at any time the health department/law enforcement determines that the home quarantine should be terminated, or at any time that any provisions or conditions of home quarantine are violated, in which event the animal shall be put in the custody of a contractual agency, shelter, or a licensed veterinary clinic of the State of Iowa in the County of Dubuque for the remainder of the quarantine period. If the health department/law enforcement determines at any time that home confinement is not appropriate for the animal, quarantine at a contractual agency, shelter, or a licensed veterinary clinic shall be ordered. The owner must agree attesting to the compliance and understanding of the requirements.
- b. No current Rabies Vaccination:
In the event the animal has not had a current rabies vaccination, or if it is unknown whether the vaccination is current and evidence is not produced

satisfactory to the Health department/law enforcement that the vaccination is current, or for any other reason that the health department/law enforcement so determines, the animal shall be quarantined at a contractual agency, shelter, or a licensed veterinary clinic. The owner shall pay all costs of such confinement. The health department/law enforcement may authorize the owner to quarantine the animal at the owner's home if:

- (1) examination of the animal on the first day by a licensed veterinarian,
 - (2) examination of the animal on day ten (10) by a licensed veterinarian,
 - (3) the owner or keeper must agree to the requirements of the owner with an animal with current rabies vaccination placed in quarantine.
- 36-23.2 Any dog or cat will be impounded after they are found to be at large and the owner is not quickly located or known and if the animal appears safe to confine without risk of injury to anyone. However, an animal control agency does have the right to kill any animal that appears to be vicious with a rabies tag or without a rabies tag. According to the Iowa Code 351.25 dogs not wearing a rabies tag shall not be deemed property and in Iowa Code 351.26 it states that it shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions, unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with the rabies vaccination tag attached.
- 36-23.3 When an animal that has bitten is suspected of rabies, the health department/law enforcement may order the animal to be euthanized and tested for the presence of rabies virus.
- 36-23.4 If an undomesticated or wild animal such as a skunk, bat, fox, raccoon or other carnivore bites a person, whether or not the animal's owner or keeper is known, the animal shall be humanely destroyed and examined for rabies immediately.
- 36-24 PUNISHMENT FOR HARBORING KNOWN RABID DOG, CAT OR OTHER DOMESTIC ANIMAL. Any person or keeper who shall knowingly harbor or keep any dog or other animal infected with rabies, or with knowledge that their animal was bitten by a rabid animal, fails to report such incident to the health department/law enforcement, shall be penalized as provided in Part 8 of this Ordinance.
- 36-25 PROHIBITED ACTIONS AFTER BOARD OF HEALTH PROCLAMATION OF EMERGENCY
- 36-25.1 When the Board of Health, pursuant to resolution of the Dubuque County Board of Supervisors, shall declare an emergency due to rabies:
- a It shall be unlawful for the owner of any dog, cat, or other domestic animal to permit such animal to be at large.
 - b It shall be unlawful for any person except the owner of a dog, cat, or other

domestic animal, or owner’s agent to open any door or gate of any private premises for the purpose or result of setting such animal at large.

- c Any dog or cat found at large shall be impounded by the contracting agency, animal shelter or licensed veterinary clinic if a rabies tag is present or euthanized if NO rabies tag is present per Iowa Code 351.25.

36-26 through 36-30 Reserved

PART 3
IMPOUNDMENT AND DISPOSITION OF ANIMALS

36-31 IMPOUNDMENT AND REDEMPTION

- 36-31.1 Any dog, cat or other animal found at large may be subject to seizure and impoundment in a place designated by the County or at an animal shelter holding a certificate of registration issued by the Department of Agriculture and Land Stewardship (hereinafter referred to as “impounded location”), unless it is unsafe to impound the animal (Iowa Code 351.36 and 351.37).
- 36-31.2 Any authorized agent from animal control agency or Law Enforcement in the County, while on duty, who finds an animal in a motor vehicle under such conditions as may endanger the health or well-being of such animal due to heat, cold, lack of food or drink or such other circumstances as may be reasonably expected to cause suffering, disability or death is authorized to use reasonable force to remove the animal from the vehicle.
- 36-31.3 Owner notification of the removal of an animal, owner notification of the impoundment of an animal, disposition of the animal and charges for the cost and care of shelter shall be made as nearly as possible in the manner prescribed per the impounded location.
- 36-31.4 An animal control agency or Law Enforcement who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.
- 36-31.5 Except as otherwise provided, upon proper identification, the owner may redeem an animal seized or impounded (in a location designated by the County or at an animal shelter holding a certificate of registration issued by the Department of Agriculture and Land Stewardship) pursuant to this ordinance only after paying all applicable fees as established by the impoundment location.

36-32 DISPOSITION OF ANIMALS

- 36-32.1 If the owner is unknown an impounded animal shall be kept a minimum of three (3) business days (Monday-Friday, except holidays), and thereafter may

- be adopted or humanely destroyed.
- 36-32.2 If the owner is known and the owner of the animal has not reclaimed and redeemed an impounded animal within three (3) business days, the owner will then be sent notice by registered mail to their last known address that the impounded animal will be put up for adoption or humanely destroyed within seven (7) days of the date of the notice. If the owner has not reclaimed and redeemed the animal within said seven (7) day period, the animal thereafter may be adopted or humanely destroyed.

36-33 through 36-40 Reserved

PART 4 DANGEROUS ANIMALS

- 36-41 **GENERAL PROHIBITION AND DUTY:** No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement and impoundment, whether confinement or impoundment be upon such person's property or that of another by opening any gate, door or window or making any opening of any fence, enclosure or structure by unleashing such animal.
- 36-42 **DANGEROUS ANIMALS AT-LARGE:** In the event that a dangerous animal is found at-large upon public property or the property of someone other than the owner, such animal may, at the discretion of the health department/law enforcement, be destroyed if it cannot be confined or captured.
- 36-43 **KEEPING OF DANGEROUS AND EXOTIC ANIMALS PROHIBITED:** No person shall keep, shelter, or harbor for any purpose within the County a dangerous or exotic animal except as provided in State of Iowa Code, Section 717F.1.
- 36-44 **DANGEROUS ANIMALS, EXCEPTIONS:**
Except as otherwise provided in this chapter, a person shall not do any of the following:
- 36-44.1 Own or possess a dangerous wild animal.
 - 36-44.2 Cause or allow a dangerous wild animal owned by a person or in the person's possession to breed.
 - 36-44.3 Transport a dangerous wild animal into this state.
See State of Iowa Code, Section 717F.1(3) – Dangerous Wild Animals
- 36-45 **SEIZURE, CUSTODY AND DISPOSITION OF DANGEROUS WILD**

ANIMALS

36-45.1

- a. Except as provided in paragraph “b”, the health department/law enforcement shall seize a dangerous wild animal which is in the possession of a person if the person is not in compliance with the requirements of this chapter.
- b. Upon request, the department may provide that the person retain possession of the dangerous wild animal for not more than fourteen (14) days, upon conditions required by the department. During that period, the person shall take all necessary actions to comply with this chapter. The health department/law enforcement shall inspect the premises where the dangerous wild animal is kept during reasonable times to ensure that the person is complying with the conditions.

36-45.2

- If the person fails to comply with the conditions of the health department/law enforcement at any time or is not in compliance with this chapter following the fourteen (14) day period, the health department/law enforcement shall seize the dangerous wild animal.
- a. The dangerous wild animal shall be considered to be a threatened animal which has been rescued as provided in Iowa Chapter 717B. The court may authorize the return of the dangerous wild animal to the person from whom the dangerous wild animal was seized if the court finds all of the following:
 - (1) The person is capable of providing the care required for the dangerous wild animal.
 - (2) There is a substantial likelihood that the person will provide the care required for the dangerous wild animal.
 - (3) The dangerous wild animal has not been abused, neglected, or tortured, as provided in Iowa chapter 717B.
 - b. If the court orders a permanent disposition of the dangerous wild animal, the dangerous wild animal shall be subject to disposition as provided in Iowa chapter 717B.4 and the responsible party shall be assessed costs associated with its seizure, custody, and disposition as provided in that section. The health department/law enforcement may find long-term placement for the dangerous wild animal with a Wild life sanctuary or institution accredited or certified by the American Zoo and Aquarium Association. State of Iowa Code, Section 717F.5 - Dangerous Wild Animals

36-46 through 36-50 Reserved

PART 5
DISPOSITION OF DISEASED AND INJURED ANIMALS

36-51 DISPOSITION: The health department/law enforcement may have a diseased

or injured animal found at large, euthanized or impounded. Impounded animals that contract disease or diseases may be euthanized. If the applicable time periods set out in Sections 44 and 45 have not expired, an animal shall not be euthanized unless it is first examined by a licensed veterinarian and the veterinarian determines that euthanization is required. If the owner of the animal is known or determined every reasonable effort will be made to notify the owner before euthanizing. If contacted the owner's request regarding the disposition of the animal will be honored unless the health department/law enforcement determines it is inhumane to the animal.

36-52 through 36-60 Reserved

PART 6 JURISDICTION

- 36-61 **JURISDICTION:** The provisions of this ordinance shall apply throughout the unincorporated areas of Dubuque County, Iowa, and any municipalities that have not enacted municipal ordinances regulating animal control or rabies vaccinations of dogs and cats.
- 36-62 **HOME RULE:** Nothing in this ordinance is intended or shall be construed to limit the right of any municipality in the county in the exercise of its home rule authority or in the exercise of powers under any other provisions to enact rules to regulate and control animals within the boundaries of its jurisdiction as long as the rules do not conflict with the Iowa Code.
- 36-63 **OWNER RESPONSIBILITY:** Nothing in this ordinance releases the keeper of an animal from the responsibility of obtaining all federal, state, county or city permits required for keeping such an animal. Nothing in this ordinance imposes any financial liability on Dubuque County, Iowa, or any of its employees, in the implementation of this ordinance.
- 36-64 Nothing in this ordinance allows any person the right to keep any animal in violation of any federal, state, county or city law.

36-65 through 36-70 Reserved

PART 7 ENFORCEMENT

36-71 ENFORCEMENT: It shall be the duty of the health department/law enforcement to enforce provisions of this ordinance, and this duty may be delegated to his/her authorized representative. The Board of Supervisors is authorized to enter into contracts with any person to enforce portions of this ordinance.

36-72 through 36-80 Reserved

**PART 8
PENALTIES**

36-81 SIMPLE MISDEMEANOR. Anyone who violates the provisions of this Ordinance shall, upon conviction, be subject to a penalty of not more than \$500.00 and/or imprisoned for not more than 30 days for each offense. Each day that a violation occurs or is permitted to exist shall constitute a separate offense.

36-82 COUNTY INFRACTION. (At the discretion of law enforcement/health department, a county infraction can also be imposed.) Any one who violates the provisions of this Ordinance shall be guilty of a civil infraction and shall be subject to the penalties and remedies provided in Iowa code section 331.307. Each day that a violation occurs or is permitted to exist shall constitute a separate infraction. Per Iowa section 331.307, a first offense is punishable by a civil penalty of \$750.00. A second and subsequent offense is punishable by a civil penalty of \$1,000.00

36-82 through 36-90 Reserved

**PART 9
SEPARABILITY OF PROVISIONS AND REPEALER**

36-91 VALIDITY: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

36-92 CONFLICTS: This ordinance repeals all resolutions, ordinances, or regulations and parts of resolutions, ordinances, and regulations in conflict within.

36-93 through 36-100 Reserved

**PART 10
ENACTMENT**

36-101 EFFECTIVE DATE: This ordinance shall be in effect after its final passage, approval and publication as provided by law.