

## Title 8 ANIMALS\*

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**Chapters:**

**Chapter 8.04 DOGS AND CATS**

**Sections:**

**8.04.010 Definitions.**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this section.

- (a) "Cat" means and includes both male and female animals of the felis catus, altered or not.
- (b) "Dog" means and includes both male and female animals of the canine species, altered or not.
- (c) "Owner" means any person, firm, association or corporation, which owns, keeps, shelters or harbors a dog or cat.
- (d) "Habitual violator" means any person who pleads guilty or is found guilty, irrespective of whether that person receives a deferred judgment, of violating any section of this chapter three or more times in any twelve-month period.

(Ord. 790 § 2, 2002: Ord. 741 § 2 (part), 1998)

**8.04.020 Licensing.**

The owners of all dogs and cats six months old or over, except those owned by the operator of a state or federally licensed kennel and kept in that kennel, shall annually obtain a license as provided in this section.

- (a) The owner of a dog or cat for which a license is required shall, on or before July 1st each year, apply to the city clerk or his or her designee for a license for each dog or cat owned by him or her. The application may be made after July 1st if the dog or cat has come into the possession or ownership of the applicant or has reached the age of six months after July 1st; provided, that the application shall be made within thirty days after the dog or cat comes into the possession or ownership of the applicant or reaches the age of six months. The application shall be in writing on forms provided by the city clerk or his or her designee and shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the name and address of the owner, and be signed by the owner. The application also shall include a certificate of vaccination against rabies signed by a licensed veterinarian, stating the date of the vaccination, the type of vaccine administered, and the date of expiration of the vaccination. The required vaccination shall be an injection of antirabies vaccine approved by the state department of agriculture, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture. The annual license fee for each dog or cat shall be \$5.00. No license shall be issued until the fee is paid in full.
- (b) The city clerk or his or her designee shall, upon receipt of an application, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped with the following information:

- (1) the year for which it is issued; (2) the name of the city; and (3) the tag number as shown in the records in the office of the city clerk. The tag shall be attached by the owner to a collar and, during the term of the license, shall be at all times kept on the dog or cat for which the license is issued. Upon the expiration of the license the owner shall remove the tag from the dog or cat. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$5.00 to the city clerk or his or her designee. The city clerk or his or her designee shall enter in the license record the new number assigned. All licenses shall expire on the June 30th following the date of issuance.
- (c) When the ownership of a dog or cat is transferred, the license may be transferred by the city clerk or his or her designee by notation on the license record, giving the name and address of the new owner. The city clerk or his or her designee, when making an ownership transfer, shall collect a fee of five dollars. A license tag issued for one dog or cat shall not be transferred to any other dog or cat. When a dog or cat licensed in one county or city is permanently transferred to the city of Chariton, the owner shall surrender the original license to the city clerk or his or her designee. The city clerk or his or her designee shall retain the surrendered tag, shall collect a fee of five dollars, and shall issue a new license tag pursuant to the provisions of this chapter. The city clerk or his or her designee shall note on the license record the fact that the newly issued license tag is issued as a transfer of a surrendered license.
- (d) The city clerk or his or her designee shall keep record of licenses which shall show: (1) the description of the dog or cat as specified in the application, together with the name and address of the owner of the dog or cat; (2) the date when each license tag is issued and the number on such tag; (3) the date of the most recent rabies vaccination; (4) the amount of all fees, licenses, penalties, and costs paid to him or her; and (5) such other data as the law may require.
- (e) All dog and cat license fees collected by the city shall be credited to and deposited in the general funds of the city to be kept and used for the purpose of enforcing this chapter.

(Ord. 741 § 2 (part), 1998)

#### **8.04.030 Dogs or cats at large.**

A dog or cat shall be deemed at large if:

- (a) The dog or cat is on the premises of the owner or a person given charge of the dog or cat by the owner and is not:
- (1) Restrained on those premises by an adequate protective fence or wall or by leash, cord, chain or other similar restraint that does not allow a dog or cat to go beyond the owner's real property line; or
  - (2) At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog or cat by the owner and at no time more than six feet from such person.
- (b) The dog or cat is off the premises of the owner and is not:
- (1) On a leash, cord or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog or cat; or
  - (2) Properly restrained within a motor vehicle; or
  - (3) Properly housed in a veterinary hospital or registered kennel; or

- (4) Participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization; or
  - (5) Actively engaged in a generally recognized dog or cat obedience training program and (i) in the actual physical presence of the owner or trainer at all times; (ii) at no time more than fifty feet from its owner or trainer; (iii) the owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog or cat.
- (c) The dog or cat is not licensed as required by this chapter.
  - (d) The dog or cat is attacking persons or domestic animals or destroying property.
  - (e) The dog or cat is on a public school ground except when under restraint as set forth in subsection (b)(1).
  - (f) The dog or cat is a female in heat and is not:
    - (1) Housed in a building which is completely enclosed; or
    - (2) Housed in a veterinary hospital or registered kennel; or
    - (3) On the premises of the owner and completely enclosed in a locked, enclosed fence, pen or other structure having (i) secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; and (ii) a height of at least six feet or, if the height is less than six feet, a secure top in addition to securely imbedded sides as described in this paragraph; or
    - (4) On a leash, cord or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog or cat; or
    - (5) Properly restrained within a motor vehicle.

(Ord. 741 § 2 (part), 1998)

#### **8.04.040 Impoundment.**

- (a) The city manager or his or her designee shall cause to be seized and impounded any dog or cat found to be at large within the city, as defined in this chapter, and shall give notice of the impoundment to the owner within two days if the owner's name and address appear on the dog's or cat's collar or is otherwise known.
- (b) All dogs and cats found without a license, collar or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this chapter. Dogs and cats with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this chapter. Any owners given notice by the city manager or his or her designee within forty-eight hours prior to the appropriate expiration date will be allowed forty-eight hours in which to redeem the dog or cat.
- (c) The owner of an impounded licensed dog or cat may claim and redeem such animal upon payment of a twenty-five dollar impounding fee, a daily boarding fee of six dollars per day, any amounts expended by the city for veterinary care for the dog or cat, and an additional twenty-five-dollar charge if the owner does not present a certificate from a qualified veterinarian stating that the dog or cat has been spayed or neutered and containing the name and address of the owner and the name, color, sex and breed of the dog or cat. If, within a year's time, the same dog or cat is impounded a second time, the amount required to claim and redeem the dog or cat shall increase to a fifty dollar impounding fee, a daily boarding fee of six dollars per

day, any amounts expended by the city for veterinary care for the dog or cat, and an additional fifty dollar charge if the owner does not present a certificate from a qualified veterinarian stating that the dog or cat has been spayed or neutered and containing the name and address of the owner and the name, color, sex and breed of the dog or cat. If, within a year's time, the same dog or cat is impounded three or more times, the amount required to claim and redeem the dog or cat shall increase to a one-hundred dollar impounding fee, a daily boarding fee of six dollars per day, any amounts expended by the city for veterinary care for the dog or cat, and an additional one-hundred dollar charge if the owner does not present a certificate from a qualified veterinarian stating that the dog or cat has been spayed or neutered and containing the name and address of the owner and the name, color, sex and breed of the dog or cat. The owner of an impounded unlicensed dog or cat may claim and redeem such animal upon payment of the impounding and boarding fees enumerated above if redeemed within forty-eight hours and upon compliance with the licensing requirements, if applicable.

- (d) After the expiration of the appropriate impoundment redemption period as provided in this chapter, at the discretion of the city manager or his or her designee, an unredeemed dog or cat may be humanely destroyed or may be put up for adoption. The conditions of adoption are as follows:
- (1) The person seeking to adopt shall pay an adoption fee of sixty dollars, which shall include the cost of a city license, vaccinations as required by this code, and surgical sterilization.
  - (2) In the case of a dog or cat which is too young to submit to vaccinations or to surgical sterilization, the person seeking to adopt shall agree in writing to surgical sterilization of the adopted dog or cat within a designated time period; upon submission of written proof of compliance from a veterinarian, ten dollars shall be refunded to the person adopting the dog or cat. If evidence of sterilization is not presented within the designated time period, the city manager or his or her designee shall be authorized to seize and impound the dog or cat for the purpose of administering surgical sterilization as necessary.
  - (3) The city manager is authorized to promulgate further rules to effect the adoption process.
  - (4) The city reserves the right to reject any and all adoptions for any purpose the city deems necessary, including without limitation health concerns.
  - (5) The city takes no responsibility nor makes any warranties or assumes any liability for the condition of the dog or cat adopted.

(Ord. 741 § 2 (part), 1998)

#### **8.04.050 Prohibited acts.**

- (a) No owner or any other person in charge or custody of a dog or cat shall fail to remove immediately any excrement or droppings deposited by the dog or cat on any public property or private property not owned or in the control of that owner or the person in charge or custody of the dog or cat.
- (b) No owner shall allow or permit any dog or cat to make noises, including without limitation howling, yowling, yelping or barking, such as would annoy or disturb a reasonable person.
- (c) No owner shall abuse or neglect any dog or cat, including without limitation by failing to provide adequate food or shelter for the dog or cat.
- (d) No owner shall fail to obtain a license for a dog or cat for which a license is required pursuant to this chapter.
- (e) No owner shall allow the rabies vaccination for a dog or cat to lapse at any time.
- (f) No person shall remove a license tag from a dog or cat prior to the expiration of the license.

- (g) No owner shall allow any dog or cat to be at large at any time.
- (h) No owner shall allow a dog to be tethered outside for a period exceeding ten consecutive hours in a twenty-four-hour period, or between the hours of ten p.m. and seven a.m., or violate any of the following provisions:
  - (1) While tethered, a dog shall be able to move about freely. The tether shall be a minimum of ten linear feet and have swivels on at least one end. Tow chains shall not be used.
  - (2) While tethered, a dog shall wear a collar, harness, or similar device which fits properly to prevent injury or obstruction or respiration and to which the tether shall be attached. Choke, pinch, prong, or other chain collars shall not be used.
  - (3) An enclosure to confine a dog or dogs shall be a minimum of fifty square feet per dog of the toy group and seventy square feet for all other breeds. The enclosure shall be of sufficient height and construction to provide a safe barrier for the dog or dogs.
  - (4) A dog shall have access to a shelter which shall be large enough for the dog to stand, turn, around, and lie down inside without touching the sides or top. A shelter shall be windproof and waterproof and the opening shall be large enough for the dog to enter and exit while standing upright.
  - (5) A tethered dog shall have access to clean and sanitary shelter. The shelter shall be appropriate for the existing weather conditions.

(Ord. 741 § 2 (part), 1998)

(Ord. No. 892, § 2, 7-1-2013)

#### **8.04.060 Ban on ownership by habitual violators.**

- (a) No habitual violator may be an owner, as defined in Section 8.04.010(c) of this chapter, for a period of two years beginning thirty days after the date of the notice provided as set forth below. The city manager or his or her designee shall seize and impound any dog or cat found in violation of this ban. The city manager or his or her designee shall send a notice by certified mail to any habitual violator, at his or her last known address, that:
  - (1) The person is a habitual violator of Chapter 8.04 of the Chariton Municipal Code;
  - (2) The person may not be an owner, as defined in Section 8.04.010(c) of this chapter, for a period of two years beginning thirty days after the date of the notice;
  - (3) The city manager or his or her designee shall seize and impound any dog or cat found in violation of this ban; and
  - (4) The person may request a hearing before the city council concerning the ban by sending a written notice to the city clerk within fifteen days after the date of the notice from the city of the ban.
- (b) Upon receipt of a request for hearing under subsection (a)(4) of this section, the city council shall schedule a hearing concerning the proposed ban to be held within thirty days after receipt by the city of the request for hearing. The ban shall be stayed pending the results of the hearing. After the hearing, the city council may affirm, amend or eliminate the ban and shall provide for the effective date of the ban; provided that the effective date may in no event be earlier than the date specified in subsection (a)(2) of this section; and provided further that, if the city council amends or eliminates the ban after the hearing, that action shall not prevent the city manager from issuing new bans upon any further convictions of the habitual violator for violations of this chapter. If the habitual violator does not petition the district court for a review of the city

council's decision within fifteen days of the decision, the city may cause any dogs or cats seized and impounded pursuant to this section to be humanely destroyed or adopted pursuant to Section 8.04.040(d).

(Ord. 741 § 2 (part), 1998)

#### **8.04.070 Penalties.**

Any person violating any of the provisions of this chapter shall be subject to the penalties set forth in Section 1.20.010 of the Chariton Municipal Code; provided, that any owner who violates Section 8.04.050(g) and does not present a certificate from a qualified veterinarian stating that the dog or cat was spayed or neutered when it was at large and containing the name and address of the owner and the name, color, sex and breed of the dog or cat shall be subject to a fine of not less than twenty-five dollars for the first offense, fifty dollars for the second offense, and one hundred dollars for three or more offenses.

(Ord. 741 § 2 (part), 1998)

#### **8.04.080 Number restricted.**

It is unlawful for any person to own, keep, or harbor at any time more than six dogs or cats over the age of six months per dwelling unit in the city; provided, however, this section shall not apply to owners that as of the date of enactment have more than six dogs or cats. Through attrition, the total number of dogs or cats will be reduced to the maximum number of six animals per dwelling. No new dog or cat shall be allowed to replace any deceased animals until the number of animals kept falls below the maximum of six.

(Ord. No. 895, § 2, 8-19-2013)

### **Chapter 8.08 DANGEROUS DOG ORDINANCE<sup>1</sup>**

#### **8.08.010 Definitions.**

For purposes of this section, the term:

- (a) "Dangerous dog" means any dog that:
  - (1) Causes a serious injury to a person or domestic animal; or
  - (2) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (g) of this section or serious injury as defined in Section 8.08.010(b).
- (b) "Serious injury" means any physical injury to a human being incurred by a dog demonstrating an intent to harm resulting in a major fracture, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.
- (c) "Proper enclosure" of potentially dangerous and dangerous dogs requires:
  - (1) Potentially dangerous and dangerous dogs are securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in

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<sup>1</sup>Editor's note(s)—Ord. No. 892, § 3, adopted July 1, 2013, deleted the former Ch. 8.08, §§ 8.08.010—8.08.080, and enacted a new Ch. 8.08 as set out herein. The former Ch. 8.08 pertained to animals dangerous or vicious in nature and derived from Ord. 599, § 2(part), adopted 1988.

this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure;

- (2) All pens or other structures designed, constructed or used to confine potentially dangerous and dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined potentially dangerous or dangerous dog; and
  - (3) All structures erected to house dangerous or potentially dangerous dogs must comply with all zoning and building regulations in their jurisdictions. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No potentially dangerous or dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the potentially dangerous or dangerous dog to exit such building on its own volition.
- (d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
- (e) "Impound" means taken into custody by the City of Chariton, Iowa.
- (f) "Provocation" means that the threat, injury or damage caused by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
- (g) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
- (1) Causing an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
  - (2) Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals;
  - (3) Running at large pursuant to Section 8.04.030 of the Chariton Municipal Code, or owner's cited by the City of Chariton, Iowa, to enforce the potentially dangerous or dangerous dog law two or more times for running at large within any twelve-month period;
  - (4) Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
- (h) "Responsible person" means a person at least eighteen years old who is able to keep the dog under complete control at all times.
- (i) "Pet safety course" means a course pre-approved by the city consisting of but not limited to instruction in safe management of dogs.

(Ord. No. 892, § 3, 7-1-2013)



**8.08.020 Determination of a potentially dangerous dog.**

- (a) After an investigation, which must be initiated within two days after the situation becomes known to the City of Chariton, Iowa, the city is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in Section 8.08.010(g) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five days after the completion of the investigation.
- (b) Following attempted notice to the owner, the City of Chariton, Iowa, has probable cause to believe that a dog is a potentially dangerous dog and may pose a public threat, the city may obtain a search warrant pursuant to the Iowa Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of Section 8.08.060. The owner of the dog may be liable to this jurisdiction for the costs of impounding and keeping the dog.
- (c) The owner may request a hearing before the city council concerning the determination that a dog is a potentially dangerous dog by sending a written notice to the city clerk within fifteen days after the date of the notice from the city of the determination of a potentially dangerous dog. Upon receipt of a request for hearing, the city council shall schedule a hearing concerning the determination of a potentially dangerous dog to be held within thirty days after receipt by the city of the request for hearing. The determination regarding a potentially dangerous dog shall be stayed pending the results of the hearing. After the hearing, the city council may amend or reverse the determination of a potentially dangerous dog. A decision by the city council overturning the determination shall not affect the city's right to later declare a dog to be a potentially dangerous dog or a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

(Ord. No. 892, § 3, 7-1-2013)

**8.08.030 Determination of a dangerous dog.**

- (a) After an investigation, which must be initiated within two days after the situation becomes known to the City of Chariton, Iowa, the city is authorized to make a determination whether a dog is dangerous based upon the factors listed in Section 8.08.010(a) and shall notify the owner of the dog in writing by certified mail with signature or hand delivery of that status within five days after completing the investigation.
- (b) Following attempted notice to the owner and prior to the hearing, if the City of Chariton, Iowa, has probable cause and believes the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the city may obtain a search warrant pursuant to Iowa Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of Section 8.08.060. The owner of the dog shall be liable to this jurisdiction for the costs of impounding and keeping the dog if the dog is determined to be a dangerous dog.
- (c) The owner may request a hearing before the city council concerning the determination that a dog is a dangerous dog by sending a written notice to the city clerk within fifteen days after the date of the notice from the city of the determination of a dangerous dog. Upon receipt of a request for hearing the city council shall schedule a hearing concerning the determination of a dangerous dog to be held within thirty days after receipt by the city of the request for hearing. The determination regarding a dangerous dog shall be stayed pending the results of the hearing. After the hearing, the city council may amend or reverse the determination of a dangerous dog. A decision by the city council overturning the determination shall not affect the city's right to later declare a dog to be a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

(Ord. No. 892, § 3, 7-1-2013)

### **8.08.040 Exceptions.**

No dog shall be declared a dangerous or potentially dangerous dog if:

- (a) The dog was used by a law enforcement or military official for legitimate law enforcement or military purposes;
- (b) The threat, injury, or damage was sustained by a person:
  - (1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog; or
  - (2) Who was provoking, tormenting/ abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented/ abused, or assaulted the dog; or
  - (3) Who was committing or attempting to commit a crime, or
- (c) The dog was:
  - (1) Responding to pain or injury, protecting its offspring; or
  - (2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(Ord. No. 892, § 3, 7-1-2013)

### **8.08.050 Consequences of a dangerous or potentially dangerous dog determination.**

- (a) If the City of Chariton, Iowa, determines that a dog is a potentially dangerous dog under Section 8.08.020, the owner shall comply with the provisions of Sections 8.08.010(c), 8.08.050 and 8.08.060(a), (d) and any other special security or care requirements which are reasonable.
- (b) If the City of Chariton, Iowa, determines that a dog is a dangerous dog under Section 8.08.030, the owner shall comply with the provisions of Sections 8.08.010(c), 8.08.050 and 8.08.060(b), (c) and any other special security or care requirements which are reasonable.
- (c) The City of Chariton, Iowa, may require impoundment of the dog if the owner is unable or unwilling to comply with the requirements of Section 8.08.060(a) until the owner of the dog has satisfied all the requirements of the certificate of registration holding permit. The requirements must be met within thirty days. If, after thirty days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first day. The owner of the dog shall be liable to this jurisdiction for the costs of impounding and keeping the dangerous or potentially dangerous dog whether or not they reclaim the dog.

(Ord. No. 892, § 3, 7-1-2013)

### **8.08.060 Dangerous dog and potentially dangerous dog registration and handling requirements.**

- (a) The City of Chariton, Iowa, shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the city that:
  - (1) The owner of the potentially dangerous dog is eighteen years of age or older;
  - (2) The owner of the potentially dangerous dog shall present a certificate of insurance issued by an insurance company licensed to do business in the state of Iowa, providing personal liability insurance

- coverage as in a homeowner's policy, with a minimum liability amount of one hundred thousand dollars for the injury or death of any person, for damage by the owner or his or her agents, in the keeping or owning of such potentially dangerous dog. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to thirty days subsequent to the determination that a dog is potentially dangerous; however, if after thirty days a certificate of insurance or a policy has not been submitted, the dog shall be deemed unlicensed and subject to immediate impoundment or humane euthanasia at the owner's expense;
- (3) A valid license has been issued for the potentially dangerous dog at the owner's expense pursuant to jurisdiction;
  - (4) The potentially dangerous dog has a current rabies vaccination at the owner's expense;
  - (5) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described in Section 8.08.010(c);
  - (6) The potentially dangerous dog has been spayed or neutered at the owner's expense;
  - (7) The potentially dangerous dog has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the City of Chariton, Iowa;
  - (8) The potentially dangerous dog has been photographed for identification purposes; and
  - (9) The potentially dangerous dog owner shall satisfactorily complete a pet safety course pre-approved by the City of Chariton, Iowa, at the dog owner's expense.
  - (10) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable.
- (b) The City of Chariton, Iowa, shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration of a potentially dangerous dog pursuant to paragraph (a) of this section, establishes to the satisfaction of the city that:
- (1) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and
  - (2) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or fifty feet, whichever is less.
- (c) The City of Chariton, Iowa, may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions for registration or confinement or handling of a dangerous or potentially dangerous dog.
- (d) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in Section 8.08.010(g) within twelve months since the date of the potentially dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors. Such a review shall be completed

by a review committee appointed by the city council consisting of a minimum of three people including a member of the public and a dog professional.

(Ord. No. 892, § 3, 7-1-2013)

**8.08.070 Dangerous or potentially dangerous dog owner responsibility.**

It shall be unlawful to:

- (a) Keep a dog determined to be dangerous or potentially dangerous without a valid certificate of registration issued under Section 8.08.060.
- (b) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined in Section 8.08.010, muzzled, and restrained by a substantial lead not exceeding six feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or obscure its vision or interfere with its respiration but shall prevent it from biting any human being or animal.
- (c) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible person as defined in Section 8.08.010, muzzled and restrained with a substantial lead not exceeding six feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or obscure its vision or interfere with its respiration but shall prevent it from biting any human being or animal.
- (d) Permit a dangerous or potentially dangerous dog to be kept on a chain, rope or other type of leash affixed to inanimate objects such as trees, posts, buildings, or any other object or structure. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
- (e) Fail to notify the City of Chariton, Iowa, immediately in person or by telephone upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
- (f) Fail to notify within seven days the City of Chariton, Iowa, with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog if the dog has been sold or has been given away to an owner inside or outside the jurisdiction; and
  - (1) If requested by the City of Chariton, Iowa, the owner must execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred.
- (g) Fail to notify within seven days the City of Chariton, Iowa, of a change of address or telephone number by the owner of the dangerous or potentially dangerous dog.
- (h) Fail to notify within seven days the City of Chariton, Iowa, if the dangerous or potentially dangerous dog has died; and
  - (1) If requested by the City of Chariton, Iowa, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death.
- (i) Fail to surrender a dangerous or potentially dangerous dog to the City of Chariton, Iowa, for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety.

- (j) Fail to comply with any reasonable special security or care requirements for a dangerous or potentially dangerous dog, the City of Chariton, Iowa, may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

(Ord. No. 892, § 3, 7-1-2013)

### **8.08.080 Penalties.**

An owner of a dangerous or potentially dangerous dog who violates the provisions of Sections 8.08.060 and 8.08.070 shall be guilty of a serious misdemeanor, and, upon conviction, shall be punished by a fine not to exceed five hundred dollars or imprisonment not to exceed ninety days, or both, for a first offense and not more than one thousand dollars or imprisonment not to exceed ninety days or both, for a second offense.

(Ord. No. 892, § 3, 7-1-2013)

## **Chapter 8.12 RESERVED<sup>2</sup>**

### **Chapter 8.16 ANIMALS PROHIBITED ON CEMETERY PROPERTY**

#### **Sections:**

#### **8.16.010 Purpose.**

The purpose of this chapter is to preserve the appearance of cemeteries owned by the city of located within the city limits by prohibiting any person's animal from entering upon cemetery property.

(Ord. 629 § 1, 1992)

#### **8.16.020 Definitions.**

For use in this chapter, the following terms are defined:

1. "Animal" means any living creature except human beings and living creatures used by a human being to assist in a major life function, for example, guide dogs, but otherwise shall include (without limitation) dogs, cats horses, cows and mules.
2. "Cemetery property" means any an all land within any cemetery located within the confines of the city or within any cemetery owned by the city regardless of whether it is within the confines of the city.
3. "Person" means any individual, firm, corporation, trust, association or any other organized group.

(Ord. 629 § 2, 1992)

#### **8.16.030 Prohibition.**

It shall be unlawful for any person who owns, keeps, shelters or harbors an animal to permit such animal to enter upon cemetery property.

(Ord. 629 § 3, 1992)

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<sup>2</sup>Editor's note(s)—Ord. No. 892, § 4, adopted July 1, 2013, repealed Ch. 8.12, §§ 8.12.010—8.12.050, which pertained to pit bull dogs and derived from Ord. 598, § 2(part), adopted 1988.

### **8.16.040 Penalty.**

Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars.

(Ord. 629 § 4, 1992)

## **Chapter 8.20 KEEPING AND RAISING LIVESTOCK**

### **Sections:**

### **8.20.010 Definitions.**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this section.

"Animal" means a nonhuman vertebrate.

"Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Iowa Code Section 481A.1; ostriches, rheas, emus or poultry.

(Ord. No. 786, § 2 (part), 2001)

### **8.20.020 Animal neglect.**

It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to, provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Ord. No. 786, § 2 (part), 2001)

### **8.20.030 Livestock neglect.**

It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices in order to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Ord. No. 786, § 2 (part), 2001)

### **8.20.040 Livestock prohibited.**

It is unlawful to keep, harbor, own, or in any way possess within the livestock prohibition zone of the city any livestock as defined herein. In addition, it is unlawful to keep, harbor, own or in any way possess within the corporate limits of the city any animal of the porcine species.

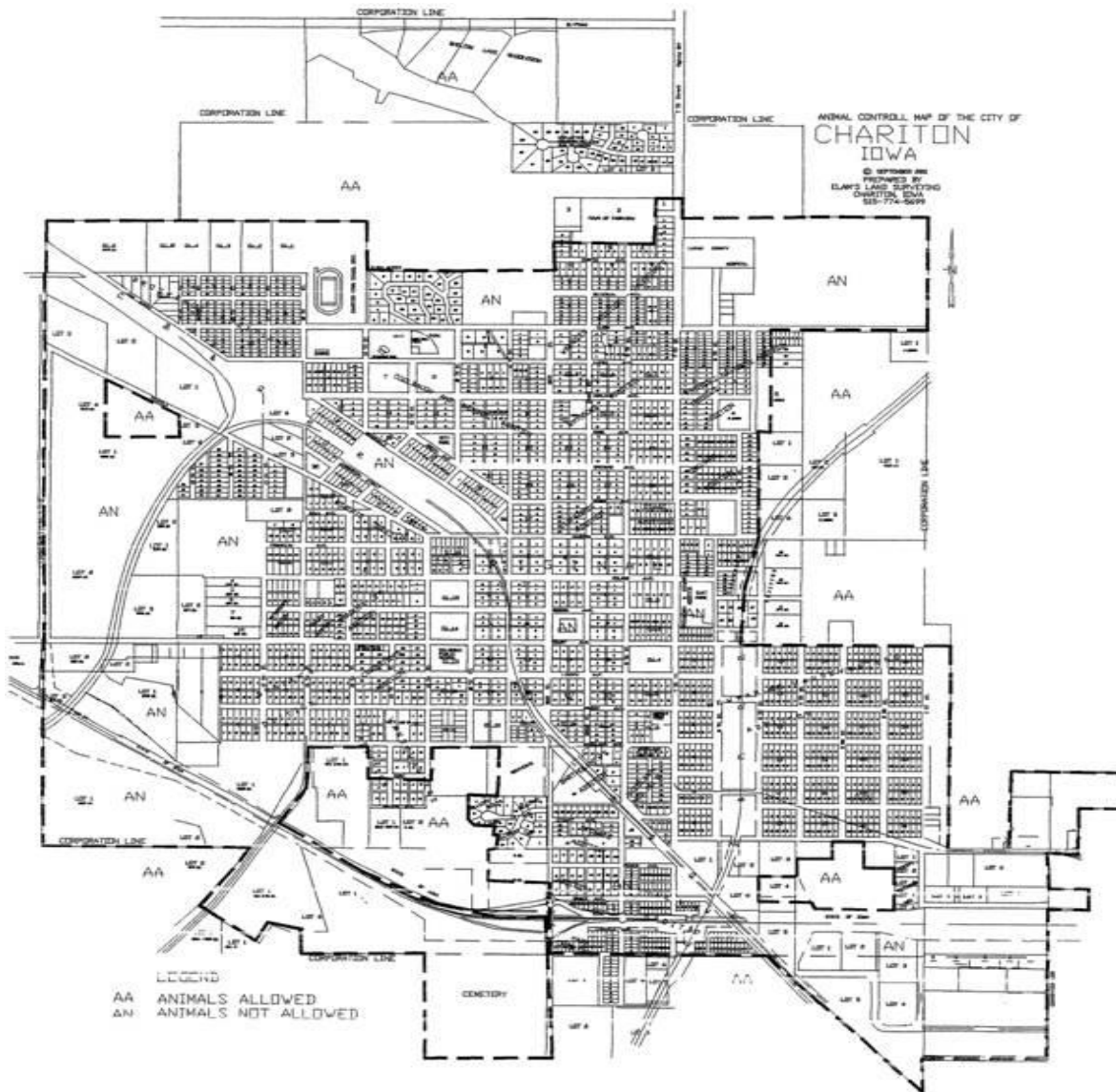
(Ord. No. 786, § 2 (part), 2001)

### **8.20.050 Official livestock prohibition map.**

The location, size, shape and boundaries of the livestock prohibition zone to which the provisions of the text of this title are applicable, shall be indicated on the atlas of maps which is entitled "Livestock Prohibition Map,"

incorporated herein by this reference, and made a part hereof as such map; after being adopted by reference as a part of this title, and so certified by the city clerk together with the text, shall be maintained by the city clerk and such atlas shall be the official livestock prohibition map, for purpose of enforcement of this title. Any amendment to the livestock prohibition map shall include the legal description of the land involved and such amendment shall be promptly and permanently noted on the face of the map in the custody of the city clerk.

(Ord. No. 786, § 2 (part), 2001)



### 8.20.060 Interpretation of map.

The following rules shall govern interpreting the boundaries of the livestock prohibition map:

- (1) The boundaries of the livestock prohibition map, except where otherwise referenced, are intended to follow the lines of platted lots, center lines of streets and alleys, and where lines appear to be not more

than ten feet from the line of a platted lot, the boundaries shall be interpreted as being coincidental therewith.

- (2) When boundaries cross on platted property or platted lots otherwise than set forth above, and their distances are not clearly marked, their location shall be determined by use of the scale of the map and every such line shall be interpreted to fall on the nearest multiple of ten feet.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad tracks shall be construed to be midway between the rails of the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, reservoirs, flood control channels or other bodies of water shall be construed to follow such center lines and shall move with such center lines in case of shifting.
- (6) In case of doubt or dispute, the boundary lines shall be determined by the city council.

(Ord. No. 786, § 2 (part), 2001)

#### **8.20.070 Bee keeping.**

Keeping of bees within the corporate limits of the city is prohibited.

(Ord. No. 898, § 2, 1-6-2014)