

CHAPTER 4
ORDINANCE REGULATING LICENSING OF DOGS AND
CONTROL OF AT- LARGE DOGS AND ABANDONED DOGS

- 4.1 Construction of Terms
- 4.2 Definitions
- 4.3 License Required
- 4.4 At-Large and Abandoned Dogs
- 4.5 Impoundment and Disposition of At-Large Dogs
- 4.6 Redemption of Impounded Dogs
- 4.7 Penalties and Enforcement

4.1 CONSTRUCTION OF TERMS

1. Meaning of certain words: Words used in the singular include the plura and plural the singular, the masculine gender includes the feminine and the feminine the masculine.
2. Computing time – legal holidays: In computing time, the first day shall be excluded and the last included. Unless otherwise indicated, the following days shall be excluded for purposes of computing time: Saturdays, Sundays, the first day of January, the third Monday of February, the last Monday of May, the fourth day of July, the first Monday of September, the fourth Thursday of November, the fourth Friday of November, the twenty-fifth day of December, and any other day on which the offices of Polk County government are closed.
3. Conflicts with State and/or Federal Regulatory Schemes: If it is determined by the county attorney that enforcement of any provision of this ordinance would be inconsistent with requirements of federal and /or state law, enforcement of said provision(s) shall be suspended as necessary to avoid the inconsistency. If the county attorney makes such a suspension determination he shall report it to the Board of Supervisors, along with any recommendation in regard to any necessary corrective legislation.

4.2 DEFINITIONS

1. "Dog" shall mean any domesticated species of the order Carnivora and the family Canidae.
2. "At-Large Dogs" refers" refers to an animal's presence outside of a structure of fixed enclosure. A dog shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled by one of the methods set out in section 4.2(2).
3. "Owner" the term "owner" includes any person keeping, sheltering, harboring or having custody or control of the dog, and the custodial parent or guardian of any alleged owner who is a minor.
4. "Euthanize" means to kill in a humane manner.

4.3 LICENSE REQUIRED.

1. The owner of, or any person who keeps or harbors, any dog four months old or over, except a dog kept in a state or federally licensed kennel and not allowed to be at large at any time, shall annually obtain a license for the dog.

2. The license shall be obtained not later than the first business day of January of each year or within thirty days after the date the owner acquires possession of the dog, the date the dog is permanently transferred to Polk County from another city or county which licenses dogs or the date the dog reaches the age of three months.
3. A person required to obtain a dog license who resides in any unincorporated area of Polk County or in a municipality in the county which does not license dogs shall obtain the license from the county auditor or auditor's designee. The application for the license shall be on blanks provided by the auditor and shall state such information as may be required by law. License fees, delinquency penalties and other charges for county dog licenses shall be as established from time to time by resolution of the board of supervisors consistent with state law. Each license shall expire on January 1 of the year following the year for which it was issued.
4. The person required to obtain the license shall attach the license to a substantial collar and shall at all times keep the license on the dog for which it was issued.

4.4 AT- LARGE AND ABANDONED DOGS.

1. No person shall abandon any dog in Polk County. No person shall cause any dog to be at large, and no owner of any dog shall permit that dog to be at large, in any unincorporated area of Polk County which is zoned other than as an agricultural district, or in any incorporated municipality with which Polk County or its Board of Health has an animal control enforcement agreement.
2. Unless another subsection of this section applies, a dog, properly licensed as required by law, shall not be deemed at large if:
 - a. The dog is on the premises of the owner or a person given charge of the dog by the owner and is either
 1. accompanied by and obedient to the commands of the owner or the person given such charge, or
 2. restrained on those premises by an adequate protective fence or leash, cord, chain or other similar restraint that does not allow a dog to go beyond the owner's real property line; or
 - b. The dog is off the premises of the owner and is either
 1. accompanied by and obedient to the commands of the owner or a competent responsible person, or
 2. on a leash, cord, or chain or similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog, or
 3. properly restrained within a motor vehicle; or
 4. the dog is properly housed in a veterinary hospital or licensed kennel.
3. Any dog shall be deemed at large at any time when attacking persons or domestic animals or destroying property, or when on a public school ground and not under restraint as set out in section 4.2(2)(b).
4. Any female dog in heat shall be deemed at large at any time except:
 - a. When housed in a building which is completely enclosed, or

- b. when housed in a veterinary hospital or licensed kennel, or
- c. when on the premises of the owner, provided the area in which such dog is located is completely enclosed by a fence or other structure having a height of at least 42 inches, or
- d. when being walked by an individual when the dog is on a leash, cord, chain or other similar restraint not more than six feet in length or when being transported within a motor vehicle.

4.5 IMPOUNDMENT AND DISPOSITION OF AT- LARGE DOGS

The county or its designee may take impound any dog found to be without an attached license or found at large in violation of section two of this ordinance.

All dogs found without a license, collar engraving, microchip or similar owner identification shall be kept for not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this ordinance. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner. On expiration of the impoundment period, a dog shall be deemed abandoned and may be transferred to a new owner or humanely destroyed.

1. NOTICE of Impoundment and Intended Action. Polk County shall provide written notice to the owner of the animal, if the owner's name and current address can be reasonably determined by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two (2) working days after the dog has been impounded.

The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the animal may be humanely destroyed or otherwise disposed of in accordance with the law. For purposes of this section, notice is delivered when the Department mails the notice which may be by regular mail.

4.6 REDEMPTION OF IMPOUNDED DOGS.

1. Licensed dog. The owner of an impounded licensed dog may claim and redeem such animal upon payment of a \$35.00 impounding fee, plus the cost of:
 - a. food and care,
 - b. any vaccines administered, and
 - c. any additional expenses incurred in locating or notifying the owner or person in control of the dog. If, within a year's time, the same dog is impounded a second time, the impounding fee shall be \$60.00. If, within a year's time, the same dog is impounded a third or subsequent time, the impounding fee shall be \$80.00.
2. Unlicensed dog. The owner of an impounded unlicensed dog may claim and redeem such animal upon payment of a \$35.00 impounding fee plus the cost of:
 - a. food and care,
 - b. any vaccines administered, and
 - c. any additional expense incurred in locating and notifying the owner or person in control of the dog. If, within a year's time, the same dog is impounded a second time, the

- impounding fee shall be \$60.00. If, within a year's time, the same dog is impounded a third or subsequent time, the impounding fee shall be \$80.00 and
- d. payment of the prescribed penalty of \$15.00 for first offense, \$25.00 for second offense and \$50.00 for third offense, for the dog.

4.7 PENALTIES AND ENFORCEMENT.

1. **CIVIL:** An owner's failure to comply with the provisions of section 4.3 or section 4.4 constitutes an infraction of that county ordinance. A county infraction shall subject the owner to a civil penalty as set forth in Polk County Code of Ordinances Chapter 2, Polk County Board of Health Rules and Regulations Chapter II and Iowa Code Chapter 331.307.
2. The Polk County Director of Public Works or his designee shall be authorized to issue **Citations**, demanding the appropriate civil penalty, for violating the ordinance; as set forth in Polk County General Administrative Procedures for Citing County Infractions or any other ordinance or state or county code provision authorizing county employees to issue citations for violations of Polk County ordinances and regulations.
3. Each additional day of neglect or failure to comply with such County Ordinance or lawful order, after notice of violation, shall constitute a separate offense. Polk County may seek injunctive relief from the courts to prohibit further infractions. Penalties sought under this section in no way preclude other government organizations from taking additional legal action under this or other State, Federal or Local Regulations.
 - a. **Previous Enforcement.** Nothing in this Regulation prohibits, suspends or modifies the continuation of any enforcement action commenced prior to the effective date of this Regulation or any amendment hereof, which may continue in accordance with the law or regulation under which such action was originally commenced.
 - b. **Remedies Cumulative.** All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.
 - c. **Cost Recovery.** Costs to Polk County incurred in the enforcement of this ordinance may be recovered by an assessment placed against real estate owned by the responsible party and collected in the same manner as property tax, or may be collected as a personal judgment, or by utilizing both procedures until such costs have been paid in full.
4. **CRIMINAL:** A violation of section 4.3 or section 4.4 of this ordinance constitutes a simple misdemeanor punishable by a fine of at least sixty-five dollars but not to exceed six hundred twenty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine. Surcharges required by Iowa Code Chapter 911.1 and 911.4 shall be added to a fine imposed on a misdemeanant as provided in those sections, and are not a part of or subject to the maximums set in this section.
5. Unless specifically provided otherwise herein or by law, the provisions of this ordinance shall be carried out and enforced by the public works department.

CHAPTER 5

ORDINANCE REGULATING POTENTIALLY DANGEROUS ANIMALS, DANGEROUS ANIMALS, VICIOUS ANIMALS AND DANGEROUS WILD ANIMALS

- 5.1 Construction of Terms
- 5.2 Definitions
- 5.3 Keeping of Dangerous Wild Animals Prohibited
- 5.4 Keeping of Vicious Animals Prohibited
- 5.5 Determination of Potentially Dangerous Animal
- 5.6 Determination of Dangerous Animal
- 5.7 Determination of Vicious Animal
- 5.8 Potentially Dangerous and Dangerous Animal Registration Requirements
- 5.9 Keeping of a Registered Potentially Dangerous or Dangerous Animal
- 5.10 Penalties
- 5.11 Costs
- 5.12 Severability Clause
- 5.13 Regulations and Forms

5.1 CONSTRUCTION OF TERMS.

1. Meaning of certain words: Words used in the singular include the plural and plural the singular, the masculine gender includes the feminine and the feminine the masculine.
2. Computing time - legal holidays: In computing time, the first day shall be excluded and the last included. Unless otherwise indicated, the following days shall be excluded for purposes of computing time: Saturdays, Sundays, the first day of January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the fourth Thursday of November, the fourth Friday in November, the twenty-fifth day of December, and any other day on which the offices of Polk County government are closed.
3. Conflicts with state and/or federal regulatory schemes: If it is determined by the county attorney that enforcement of any provision of this ordinance would be inconsistent with requirements of federal and/or state law, enforcement of said provision(s) shall be suspended as necessary to avoid the inconsistency. If the county attorney makes such a suspension determination he shall report it to the Board of Supervisors, along with any recommendations in regard to any necessary corrective legislation.

5.2 DEFINITIONS.

1. "Animal" means every wild, feral, tame or domestic member of the kingdom animalia (animal kingdom) other than the genus or species homo sapiens (human beings).
2. "Domestic Animal" means any of various animals that have been tamed and made fit for a human companionship, excluding animals commonly used as agricultural stock.
3. "Potentially dangerous animal" means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

- a. Without provocation causes an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
 - b. 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, causing injury or otherwise threatening the safety of humans or domestic animals;
 - c. Without provocation acts in a highly aggressive manner within a fenced yard or enclosure and appears, to a reasonable adult, able to jump over or escape;
 - d. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.
4. "Dangerous animal" means any animal that:
- a. Without provocation causes a serious injury to a person or domestic animal; or
 - b. Has been designated as a potentially dangerous animal and engages in behavior that poses a threat to public safety as described in Section 5.2(3) or serious injury as defined in Section 5.2(16).
5. "Vicious animal" means any live animal, not a dangerous animal as defined above:
- a. that has unprovoked, bitten or attacked a person while running at large; or
 - b. that has without reference to provocation or location (i.e. at large or otherwise):
 - 1) bitten or attacked a person on two separate occasions within a twenty-four (24) month period; or
 - 2) bitten or attacked a person above the shoulders on any one occasion; or
 - 3) bitten three (3) times in a lifetime; or
 - 4) bitten or attacked a person, on any one occasion, despite the owner's attempt to restrain or control the animal. With respect to 5.2(5)(b)(1), (b)(2) and (b)(3) above, if the person attacked or bitten was engaged in an unlawful act prior to the bite or attack, said incident shall not serve as a basis for declaring the offending animal a vicious animal.
6. "Dangerous Wild animal" means any genus/species of animal set forth in the most current version of the Iowa Code Chapter 717F
7. "Animal control officer" means the officers and employees of the Public Works Department whose job it is to enforce this ordinance.
8. "At-large" refers to an animal's presence outside of a structure of fixed enclosure.
9. "Board of Supervisors" refers to the Polk County Board of Supervisors.

10. "Director or his designee" means the director of the Public Works Department or a person designated, either specifically or generally, by virtue of his/her job responsibilities, to act in the director's behalf.
11. "Euthanize" means to kill in a humane manner.
12. "Dog" shall mean any domesticated species of the order Carnivora and the family Canidae.
13. "Owner" means any person, firm, association, corporation, partnership, or organization or agency of any type owning, possessing, keeping, sheltering, having an interest in, having control or custody or harboring an animal.
14. "Person" means any individual, firm, association, corporation, partnership, or organization or agency of any type including any officer, employee or agent thereof.
15. "Public Works Department" refers to the Polk County department bearing said title.
16. "Serious injury" means any illness, disease or bodily injury which creates a substantial risk of death or which results in a major bone fracture, muscle tears, disfiguring lacerations, protracted loss or impairment of the function of any bodily member or organ or requires multiple sutures or corrective surgery or cosmetic surgery.
17. "Unprovoked" as used herein refers to an attack or bite not the result of behavior, on the victim's part, intended to irritate the animal.
18. "Provocation" means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was willfully trespassing upon the premise occupied by the owner of the dog, or the person was tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.
19. "Impound" means to take a potentially dangerous animal or dangerous animal into custody by the Animal Control Authority or the organization authorized to enforce the potentially dangerous dog and dangerous dog ordinance of this jurisdiction.
20. "Proper enclosure" of potentially dangerous and dangerous animals requires:
 - a. Potentially dangerous and dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section or caged for transportation. Also, when a dangerous animal is not securely confined or caged for transportation, a muzzle shall be placed on the animal.
 - b. A pen or kennel 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 adjacent structure. A pen or kennel must have a secure bottom, floor or foundation attached to the sides of the pen or kennel, or the sides of the pen or kennel must be embedded in the ground no less than two feet so as to prevent digging under the sides of the pen or kennel by the confined potentially dangerous animal or dangerous animal; and

- c. All pens, kennels or structures erected to house a potentially dangerous animal or dangerous animal 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.
- d. All pens or kennels designed, constructed or used to confine potentially dangerous and dangerous animals must be locked with a key or combination lock when such animals are within the structure.
- e. No potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the potentially dangerous or dangerous animal to exit such building on its own volition.
- f. No potentially dangerous animal or dangerous animal may be tied or leashed to an inanimate objects such as trees, posts, buildings or any other object or structure.

21. "Proper leashing" of potentially dangerous animals and dangerous animals requires:

- a. Potentially dangerous animals and dangerous animals shall not be permitted to go outside a property enclosure as defined in Section 5.2(20) unless secured on a leash no longer than six (6) feet in length that is under the actual physical control of a person eighteen (18) years of age or older. Also, when a dangerous animal is not securely confined or caged for transportation, a muzzle shall be placed on the animal.

5.3 KEEPING OF DANGEROUS WILD ANIMALS PROHIBITED.

No person shall own, keep, shelter, or harbor for any reason in Polk County, Iowa, a dangerous wild animal, as defined herein, except as provided in, and in accordance with, the most current version of the Iowa Code Chapter 717F.

5.4 KEEPING OF VICIOUS ANIMALS PROHIBITED.

No person shall own, keep, shelter or harbor for any reason in Polk County, Iowa, a vicious animal, as defined herein.

5.5 DETERMINATION OF A POTENTIALLY DANGEROUS ANIMAL

- 1. The animal control officer authorized to enforce this ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering, or harboring a potentially dangerous animal as defined herein, may, in his/her discretion, declare such animal potentially dangerous based on the factors listed in 5.2(3) and will notify the owner of the animal in writing by certified mail or

personal service or posting in a conspicuous place at the last known residence of the owner of the animal.

2. Upon notice, the owner of the animal declared potentially dangerous may within three (3) business days file a written basis appeal with the Public Works Department seeking review of the declaration. However, during an appeal the owner of the animal shall properly confine and leash the animal and provide proof of liability insurance in accordance with the potentially dangerous animal ordinance.
3. If a written appeal is filed, the owner of the animal declared potentially dangerous will be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the date, time and location of the hearing.
4. Following notice to the owner of the animal, if the Animal Control Officer authorized to enforce the ordinance of this jurisdiction has reasonable cause to believe that an animal is a potentially dangerous animal and may pose a threat to public safety or the owner has not provided proof of liability insurance, the animal will be impounded, pending disposition of an appeal or until the animal owner has fulfilled the requirements of a potentially dangerous animal declaration. However, if after thirty (30) days from the date of notice the owner of the animal has not completed the requirements the animal shall be impounded and may be destroyed in a humane manner.
5. Any animal that is under impoundment or quarantine at the animal shelter and is declared a potentially dangerous animal will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of 5.8.
6. The owner of the animal shall be liable to this jurisdiction for the costs of impounding and keeping of the animal.

5.6 DETERMINATION OF A DANGEROUS ANIMAL

1. The animal control officer authorized to enforce the ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering, or harboring a dangerous animal as defined herein, may, in his/her discretion, declare such animal dangerous based on the factors listed in 5.2(4) and will notify the owner of the animal in writing by certified mail or personal service or posting in a conspicuous place at the last known residence of the owner of the animal.
2. Upon notice, the owner of the animal declared dangerous may within three (3) business days file a written basis appeal with the Public Works Department seeking review of the declaration. However, during an appeal the owner of the animal shall properly confine or properly leash the animal and provide proof of liability insurance in accordance with the dangerous animal ordinance.
3. If a written appeal is filed the owner of the animal declared dangerous will be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the date, time and location of the hearing

4. Following notice to the owner of the animal, if the Animal Control Officer authorized to enforce this ordinance has reasonable cause to believe that an animal is a dangerous animal and may pose a threat to public safety or the owner has not provided proof of liability insurance, the animal will be impounded, pending disposition of an appeal or until the animal owner has fulfilled the requirements of a dangerous animal declaration. However, if after thirty (30) days from the date of notice the owner of the animal has not completed the requirements the animal shall be impounded and may be destroyed in a humane manner.
5. Any animal that is under impoundment or quarantine at the animal shelter and is declared a dangerous animal will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of 5.8(1) and 5.8(2) and 5.9.
6. The owner of the animal shall be liable to this jurisdiction for the costs of impounding and keeping the animal if the animal is determined to be a dangerous animal.

5.7 DETERMINATION OF A VICIOUS ANIMAL

1. The animal control officer authorized to enforce this ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering, or harboring a vicious animal as defined herein, may, in his/her discretion, initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the director or his designee. The owner of the animal in question shall be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the time and place of said hearing, if the owner's name and current address can be reasonably determined by accessing a tag or other device that is on or a part of the animal. Said notice shall order the owner to secure the animal in a structure of fixed enclosure at all times. The notice shall set forth the description of the animal in question and the basis for the allegation of viciousness and shall also notify the owner that should the animal be determined to be vicious, the owner will be required to euthanize it or allow Polk County to do so. The notice shall be personally served upon the owner of the animal.
2. Director's Order. If, after hearing, the director or his designee determines the animal to be a vicious animal, he shall order the owner to cause the animal to be euthanized or to allow Polk County to do so. The Order shall be served upon the owner against whom it is issued in the same manner as the notice of hearing. The director or his designee shall propose policies and procedures governing the above-mentioned proceedings, and shall submit them for approval in the manner provided for in Section 5.13, hereof. Said policies and procedures shall also provide for the appeal of the director's or his designee's decision.
3. Upon notice, the owner of the animal declared vicious may within three (3) business days file a written basis appeal in this jurisdiction seeking review of the determination. However, during an appeal the owner of the animal shall properly confine the animal in a structure of fixed enclosure at all times and show proof of liability insurance in accordance with potentially dangerous, dangerous and vicious animal ordinance.

4. Notice of Intended Action: Failure to comply. If the order is not complied with within three (3) days of its service upon the owner, and is not appealed, the animal control officer is authorized to seize and euthanize the animal. The above mentioned Notice of Intended Action upon a failure to comply shall be contained in the Director's Order.
5. Declaration of Potentially Dangerous or Dangerous. If, after hearing, it has been determined that the animal properly falls within the category "vicious animal" as defined in Section 5.2(5), and if in the director's or his designee's discretion, it appears that the animal does not pose a significant threat to the safety of the public, the director or his designee may declare the animal potentially dangerous or dangerous. The reasons for the declaration of potentially dangerous or dangerous shall be committed to writing and delivered to the animal's owner by the director or his designee.
6. Emergencies. The notice required by Section 5.7(1) shall not be required where such vicious animal has previously caused serious injury or death to any person, in which case the animal control officer shall cause the animal, a per se nuisance, to be immediately euthanized. In the event a vicious 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, a per se nuisance, may, in the discretion of the animal control officer, be seized and impounded, or euthanized if said seizure and impoundment is not possible or would expose any person to the risk of serious injury. Polk County shall be under no duty to attempt the seizure of a vicious animal at large, prior to euthanizing it, nor shall it have the duty to notify the owner of such animal prior to euthanizing it, or seizing and impounding it.
7. Notice of Action Taken: When pursuant to Section 5.7(6) an animal is euthanized without prior notice to the owner, the animal control officer shall within seven (7) days thereafter, deliver to the animal's owner, either in person or by regular mail, a written notice of the action taken and the reason(s) therefore if the owner's name and current address can be reasonably determined by accessing a tag or other device that is on or a part of the animal.

When pursuant to Section 5.7(6), an animal is impounded without prior notice to the owner; the animal control officer shall thereafter initiate proceedings to have the animal declared a vicious animal in the manner provided for in paragraph 1 of this section. Thereafter the procedures contained in paragraphs 1 - 5, inclusive, where applicable, shall apply.

5.8 POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL REGISTRATION REQUIREMENTS

1) Potentially Dangerous Animals

- A) The animal control officer authorized to enforce this ordinance may issue a certificate or of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Animal Control Authority that:

- 1) The owner of the potentially dangerous animal is 18 years of age or older
- 2) The owner of the potentially dangerous animal presents a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance as in homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such potentially dangerous animal. The certificate shall require notice to the county, in conformity with general county 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 home owner'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 (30) days subsequent to the determination that a animal is potentially dangerous; however, if after thirty (30) days a certificate of insurance or a policy has not been submitted or the insurance coverage is cancelled, the animal shall be deemed unregistered or unlicensed and subject to immediate impoundment;
- 3) The potentially dangerous animal has a current rabies vaccination at the owner's expense;
- 4) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous animal as described in 5.2(20)
- 5) The potentially dangerous animal has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the Animal Control Authority authorized to enforce the dangerous animal, dangerous animal and vicious animal ordinance of the jurisdiction;
- 6) The potentially dangerous animal has been photographed for identification purposes; and
- 7) The potentially dangerous animal owner shall satisfactorily complete a pet safety course pre-approved by the Animal Control Director or his/her designee at the dog owner's expense.

2) Dangerous Animals

- A) The animal control officer authorized to enforce this ordinance may issue a certificate of registration to the owner of a dangerous animal if the owner, in addition to satisfying the requirements for registration of a potentially dangerous animal pursuant to paragraph 1 of this section, establishes to the satisfaction of the Animal Control Authority that:
 - a. The owner will maintain the dangerous animal exclusively on the owner's property except for medical treatment or examination; and

- b. The owner of the dangerous animal has posted on the premises a clearly visible written warning sign that there is a dangerous animal on the property with a conspicuous warning symbol that informs children of the presence of a dangerous animal. The sign shall be very visible from the public roadway or 50 feet, whichever is less.
 - c. The dangerous animal has been spayed or neutered at the owner's expense;
- 3) If any animal previously determined to be a potentially dangerous animal has not exhibited any of the behaviors specified in 5.2(3) within twelve (12) months since the date of the potentially dangerous animal determination, then that animal is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same animal may again be declared a dangerous or potentially dangerous animal if it again exhibits any of the specified behaviors. Such a review shall be completed by the Public Works Director or his/her designee.

5.9 Keeping of a Registered Potentially Dangerous or Dangerous Animal

- 1) If the Animal Control Officer authorized to enforce this ordinance declares that an animal is a potentially dangerous animal, the owner of the animal shall comply with the provisions of 5.2(20) (21) and 5.9(1).
- A) The owner of a potentially dangerous animal shall:
- 1) Not keep an animal without a valid registration issued under 5.9.
 - 2) Keep the animal in a proper enclosure unless the animal is properly leashed as defined in 5.2.
 - 3) Not permit an animal to be tied or leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
 - 4) Notify law enforcement, the Animal Control Officer immediately in person or by telephone upon escape if an animal is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
 - 5) Notify within three (3) business days the animal control officer authorized to enforce the ordinance of this jurisdiction of a change of address or telephone number of the owner of the animal.
 - 6) Notify within three (3) business days the animal control officer authorized to enforce the ordinance of this jurisdiction if the animal has died and the whereabouts of the dead animal.
 - 7) Notify within one (1) business day the animal control officer authorized to enforce the ordinance of this jurisdiction with the name, address and telephone number of a new owner of the animal if the animal has been sold or given away.

- 8) Surrender an animal to the animal control officer authorized to enforce the ordinance of this jurisdiction for impoundment and confinement, pending a disposition of the case when there is a reason to believe that the animal may pose a threat to public safety.
- 2) If the Animal Control Officer authorized to enforce the ordinance of this jurisdiction declares that a animal is a dangerous animal, the owner of the animal shall comply with the provisions of 5.2(20)(21) 5.8 and 5.9(1)and;
 - A) The owner of a dangerous animal shall:
 - 1) Maintain a dangerous animal exclusively on the owner's property as required except for medical treatment or examination, or permitting a dangerous animal to be outside of proper confinement without being properly leashed and muzzled or caged for transportation. When removed from the owner's property for medical treatment or examination, the dangerous animal shall be caged or under the control of a responsible person as defined in 5.2, muzzled and restrained with a substantial lead not exceeding six (6) feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or obscure its vision or interfere with its respiration but shall prevent it from biting any human being or animal.

5.10 PENALTIES

- 1) General
 - A) If after the notice of declaration, a potentially dangerous animal or a dangerous animal is found improperly confined or leashed more than once, the animal will be impounded and may be destroyed in a humane manner.
 - B) If after the notice of declaration, the liability insurance on a potentially dangerous animal or dangerous animal is found to be invalid more than twice, the animal will be impounded and may be destroyed in a humane manner.
- 2) CIVIL: An owner's failure to comply with the provisions of section 5.8 or section 5.9 constitutes an infraction of the county ordinance. A county infraction shall subject the owner to a civil penalty as set forth in Polk County Code of Ordinances Chapter 2, Polk County Board of Health Rules and Regulations Chapter II and Iowa Code Chapter 331.307.
 - A) The Polk County Director of Public Works or his designee shall be authorized to issue **Citations**, demanding the appropriate civil penalty, for violating the ordinance; as set forth in Polk County General Administrative Procedures for Citing County Infractions or any other ordinance or state or county code provision authorizing county employees to issue citations for violations of Polk County ordinances and regulations.
 - B) Each additional day of neglect or failure to comply with such County Ordinance or lawful order, after notice of violation, shall constitute a separate offense. Polk County may seek injunctive relief from the courts to prohibit further infractions. Penalties sought

under this section in no way preclude other government organizations from taking additional legal action under this or other State, Federal or Local Regulations.

- 1) Previous Enforcement. Nothing in this Regulation prohibits, suspends or modifies the continuation of any enforcement action commenced prior to the effective date of this Regulation or any amendment hereof, which may continue in accordance with the law or regulation under which such action was originally commenced.
- 2) Remedies Cumulative. All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.
- 3) Cost Recovery. Costs to Polk County incurred in the enforcement of this ordinance may be recovered by an assessment placed against real estate owned by the responsible party and collected in the same manner as property tax, or may be collected as a personal judgment, or by utilizing both procedures until such costs have been paid in full.
- 3) CRIMINAL: A violation of section 5.8 or section 5.9 of this ordinance constitutes a simple misdemeanor punishable by a fine of at least sixty-five dollars but not to exceed six hundred twenty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine. Surcharges required by Iowa Code Chapter 911.1 and 911.4 shall be added to a fine imposed on a misdemeanant as provided in those sections, and are not a part of or subject to the maximums set in this section.
- 4) Unless specifically provided otherwise herein or by law, the provisions of this ordinance shall be carried out and enforced by the Public Works Department.

5.11 COSTS

1. Any animal which is alleged to be potentially dangerous, dangerous or 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 or compliance with all requirements of this ordinance. Costs incurred by the county for the care, maintenance, transportation and euthanizing of an animal owned, kept, sheltered or harbored in violation of this ordinance hereof shall be reimbursed to the county by the owner whether or not the animal is reclaimed.

5.12 SEVERABILITY CLAUSE.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part hereof not adjudged invalid or unconstitutional.

5.13 REGULATIONS AND FORMS.

The director shall have the power to create policies and procedures, including forms not inconsistent with the law, as may be necessary for the implementation and enforcement of this ordinance.