

ORDINANCE NO. 100608
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELBY,
IOWA, BY AMENDING PROVISIONS PERTAINING TO ANIMAL PROTECTION AND
CONTROL

BE IT ENACTED by the City Council of the City of Shelby, Iowa:

SECTION 1. SECTION MODIFIED: Chapter 55 of the Code of Ordinances of the City of Shelby, Iowa is repealed and the following adopted in lieu thereof:

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Allow" or "permit" means to allow or permit with or without consent or knowledge.
3. "Animal" means any living creature not human.
4. "Animal Control Officer" means any animal control officer under contract with the City to maintain compliance with this chapter.
5. "Animal Shelter" means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or operated under contract with the City for the purpose of the provisions of this Chapter or any other Chapter.
6. "At large" means any animal found off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel
7. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment
 - D. An amusement or entertainment activity.
8. "Dangerous animal" means any animal, including a dog, except for an illegal animal per se, as defined herein, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on two separate occasions within a 12-month period.
9. "Dog" means and includes both male and female animals of the canine species.
10. "Fair" means any of the following:
 - a. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - b. An exhibition of agricultural or manufactured products.
 - c. An event for operation of amusement rides or devices or concession booths.
11. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

12. "Illegal animal" means:
- A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition; and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animal declared to be illegal by the City Council;
 - C. Any non-domesticated member of the order carnivore which as an adult exceeds the weight of 20 pounds.
 - D. Any of the following animals, which shall be deemed to be illegal animals, per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx, ocelots and bobcats;
 - (2) Wolves, coyotes and foxes;
 - (3) Badgers, wolverines, weasels, skunks and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys and chimpanzees;
 - (7) Bats;
 - (8) Alligators, crocodiles and caimans;
 - (9) Scorpions;
 - (10) Snakes and reptiles which are venomous;
 - (11) Snakes that are constrictors over six feet in length;
 - (12) Gila monsters;
 - (13) Opossums;
 - (14) All apes, baboons and macaques;
 - (15) Piranhas;
 - (16) Pot-bellied pigs.
13. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
- (Code of Iowa, Sec. 717.1)*
14. "Offending animal" means a "vicious dog," an "illegal animal," or a "dangerous animals" as defined herein.
15. "Owner" means any person owning, keeping, sheltering or harboring any animal (or allowing the keeping, sheltering or harboring of an animal on the premises of said person).
16. "Pet" means a living dog, cat or animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
17. "Vicious dog" means:
- A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
 - B. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

- C. Any dog that snaps, bites or manifests a disposition to snap or bite;
- D. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
- E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the Animal Control Officer, a law enforcement agency of the State or the United States or a branch of the armed forces of the United States;
- F. The Staffordshire Terrier breed of dogs;
- G. The American Pit Bull Terrier breed of dogs;
- H. The American Staffordshire Terrier breed of dogs;
- I. Dogs of mixed breed or of other breeds than above listed, which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
- J. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

55.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of every person owning a dog to confine and restrain such dog by good and sufficient means, or to cause such dog to be properly leashed as to prevent such dog from biting any person or animal or from running at large.

55.03 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.

(Code of Iowa, Sec. 717B.3)

55.04 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 or 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.

(Code of Iowa, Sec. 717.2)

55.05 ABANDONMENT. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.06 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.07 BEE KEEPING. It is unlawful for any person to keep or harbor bees unless the same is specifically authorized under the City's Zoning Ordinance as an agricultural or commercial use.

55.08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the peaceful enjoyment of the premises. —This includes but is not limited to animals urinating and defecating upon another person's property.

55.09 DISTURBING THE PEACE – PENALTY. No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking or making unusual noises. Any dog owner who shall suffer or permit his dog to do such things shall be guilty of a misdemeanor and shall be subject to a fine as follows:

- | | |
|-------------------|---------|
| 1) First Offense | \$15.00 |
| 2) Second Offense | \$30.00 |
| 3) Third Offense | \$60.00 |

In addition, the owner shall pay any fees associated with the impoundment of any dog under the provisions of this article.

55.10 VICIOUS DOGS AND DANGEROUS ANIMALS. No person shall own, keep or harbor a vicious dog or dangerous animal within the City. It is the duty of the Animal Control Officer to impound any vicious dog or dangerous animal. In the event the animal cannot be caught by the Animal Control Officer without exposing the officer to danger or personal injury, the animal may be destroyed.

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

55.12 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from feces.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.
4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

55.13 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street or alley or private property other than the owner's.

55.14 QUARANTINE OF ANIMALS. An owner whose animal is suspected of having rabies or other disease communicable to humans, or whose animal has bitten or caused a skin abrasion upon a human, shall place the animal in isolation under quarantine upon the direction of a veterinarian or

Animal Control Officer for ten (10) days. In the event the animal has had a current rabies vaccination, the Animal Control Officer may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had current rabies vaccination, or in the event it is unknown if the vaccination is current, or for any other reason that a veterinarian or Animal Control Officer so determines, the animal shall be quarantined at the Animal Shelter, or in a licensed veterinary hospital, and all costs of confinement shall be paid by the owner. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.15 FEMALE DOGS. It is unlawful for any owner to allow or permit a female dog that is in season to run at large or to so confine her as to attract male dogs to the area and by their presence cause a nuisance. Any person violating provisions of this section shall be punished as provided in this chapter and the dog shall be subject to seizure and impoundment, at the expense of the owner during the remainder of the heat period.

55.16 ENABLING DOGS TO LEAVE PREMISES. It is unlawful for any person, except for the owner or agent, to open any door or gate of any private premises or vehicle, or to otherwise entice or enable a dog to leave any private premises or vehicle, for the purpose of or with the result of setting such dog at large

55.17 NUMBER OF ANIMALS. It is unlawful, except for a licensed kennel or pet shop, veterinary hospital or animal grooming shop, for an owner to harbor or house on said owner's premises more than a combined total of three (3) dogs and cats over the age of six (6) months.

55.18 DOGS RUNNING AT LARGE. It is unlawful for any owner to allow or permit dogs to run at large within the corporate limits of the City. Any dog found at large shall be deemed to be so with the permission or at the sufferance of its owner. For allowing the dog to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined in the sum of fifty dollars (\$50.00) and shall pay the cost of prosecution, including attorney fees. For allowing a vicious dog to run at large, the owner shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined in the sum of one hundred dollars (\$100.00) as a scheduled violation and shall pay the cost of prosecution, including attorney fees.

55.19 IMPOUNDING AND DISPOSITION

1. Any unlicensed dog found at large or any licensed dog found at large in violation of this chapter shall be seized and impounded.

2. The owner of such unlicensed or licensed dog shall be notified that the dog has been impounded. Such owner may repossess such dog upon payment to the Clerk of the sum of fifty dollars (\$50.00) as an impounding fee for the first offense, plus an additional fee of ten dollar (\$10.00) for keeping such dog for each day or fraction thereof during which such dog has been impounded; seventy-five (\$75.00) as an impounding fee for the second offense on the same dog, plus an additional fee of ten dollar (\$10.00) for keeping such dog for each day thereafter; and one hundred dollars (\$100.00) as an impounding fee for the third and each successive offense thereafter on the same dog, plus an additional fee of ten dollar (\$10.00) for keeping such dog for each day thereafter.

3. Impounded unlicensed dogs may be recovered by the owner upon proper identification and by compliance with the provisions of this chapter and Chapter 56 of this Code of Ordinances relative to licenses.

4. When any dog has been apprehended and impounded, the Animal Control Officer shall give written notice in not less than two (2) days to the owner, if known. When impounded dogs are not reclaimed by their owners within seven (7) days of the date of notice, they may be humanely disposed of in accordance with the law.

5. Animals not reclaimed within the time limitations provided by this Chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.

6. The impounding and disposition charge of proceedings may be imposed in addition to criminal sanctions of Section 55.18 herein.

7. A \$15.00 fee shall be charged for adoption of any animal from the Animal Shelter. The fee shall be waived only upon adoption of any animal by a certified non-profit organization.

55.20 RABIES CONTROL. All dogs six (6) months or more of age shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animal's collar, or harness. Dogs not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 55.19 of this chapter.

55.21 DISPOSITION OF DISEASED AND INJURED ANIMALS. If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such dog shall be disposed of and it shall be the duty of said veterinarian to notify the City of Shelby of any positive rabies case found, without delay.

55.22 DESTRUCTION OF ANIMALS AT LARGE. It is lawful for an Animal Control Officer, with assistance from the Police Department, to destroy, if necessary, any animal found at large which cannot be captured.

55.23 MANNER OF DESTRUCTION GENERALLY. The Council shall authorize and approve the summary and humane manner and means by which dogs are destroyed as required in this chapter.

55.24 VICIOUS DOG PERMITS. It is unlawful for any person to harbor or keep a vicious dog within the City without first obtaining a vicious dog permit in accordance with the following:

1. Application. The application for a vicious dog permit must include the following:

A. Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a 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 agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event of underlying policy of insurance is canceled for any reason.

B. The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.

2. Photos. The application must be presented to the Animal Control Officer with two color photos of the dog.

3. Notification of Changes. The owner of the vicious dog shall be required to notify the City within 24 hours of any transfer of ownership of the dog, the dog's escape or death, any change of address by the owner, or birth of offspring to the dog.

55.25 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided herein. 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. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or a 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 (2) feet so as to prevent digging under the walls by the confined dog. All pens must have a sign with a minimum two-inch lettering saying "Beware of Vicious Dog." The Animal Control Officer is empowered to inspect such pens at least once per year. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length and a muzzle. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, building, or any other object or structure. Violation of this section is a misdemeanor.

55.26 VICIOUS DOGS AT LARGE. A vicious dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

55.27 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS. ILLEGAL ANIMALS AND DANGEROUS ANIMALS.

1. The Animal Control Officer, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious dog, illegal animal, or dangerous animal as defined herein, may initiate proceedings to declare said animal an "offending animal." If the owner contests said designation, a hearing on the matter shall be conducted by the City Council. The person owning, keeping, sheltering or harboring the offending animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the offending animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the offending animal is determined to be vicious, illegal, or dangerous, the owner may be required to obtain a vicious dog permit, confine the animal or dispose of the animal as required by

this chapter. This notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the Animal Control Officer determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the Animal Control Officer shall order the person owning, sheltering or harboring or keeping the animal to obtain a vicious dog permit and confine the animal as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Animal Control Officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Animal Control Officer was issued has not appealed such order to the Council, or has not complied with the order, the Animal Control Officer shall cause the animal to be destroyed.

3. The order to obtain the required permit, confine or remove an offending animal from the City issued by the Animal Control Officer may be appealed to the Council in order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of rights to appeal the order to the Animal Control Officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within twenty days of receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the Animal Control Officer and the arguments of the parties or their representatives, but no additional evidence shall be taken.

5. If the Council affirms the action of the Animal Control Officer, the Council shall order in its written decision that the person sheltering, harboring or keeping such offending animal, shall obtain a vicious dog permit and confine said dog as required by this chapter or remove the offending animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection 1 of this section. If the original order of the Animal Control Officer is not appealed and is not complied with within three days of its issuance, the Animal Control Officer is authorized to seize and impound the offending animal. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Animal Control Officer or the Council was issued has not petitioned the Shelby County District Court for a review of said order, or has not complied with the order, the Animal Control Officer shall cause the dog to be destroyed in a humane manner.

6. Failure to comply with an order of the Animal Control Officer issued pursuant hereto and not appealed, or of the Council after appeal, is a misdemeanor.

7. Any animal which is alleged to be an offending animal and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of each impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious or the animal is found to be an offending animal. If the dog is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

55.28 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter or harbor any illegal animals as a pet, or act as a temporary custodian for such animal, or keep shelter or harbor such animal for any other purpose or in any other capacity within the City except as provided in Section 55.29 of this chapter.

55.29 ILLEGAL ANIMAL EXCEPTIONS. The prohibition contained in Section 55.28 of this chapter shall not apply to the keeping of illegal animals in the following circumstances:

1. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.

2. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.

4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.

5. Any illegal animals under the jurisdiction of and in possession of the Iowa Department of Natural Resources, pursuant to Chapter 481A and 481B of the Code of Iowa.

6. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are considered six feet in length and over, by any individual 18 years of age or older or (a) has received a degree of bachelor of science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution, or (b) has successfully completed a course of instruction taught under the auspices of a zoo on the proper handling, care and keeping of such animals, or (c) has completed a course of instruction of at least 20 hours' duration at an accredited educational institution on the care, handling and keeping of reptiles, before the effective date of the ordinance codified by this chapter. Such person shall also apply for and receive from the Clerk a permit to keep such animals, and such application shall be on a form approved by the Council.

55.30 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a dangerous animal so defined herein, except as provided in Section 55.31 of this Chapter.

55.31 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in section 55.30 of this chapter shall not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

55.32 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large with displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 55.27 of this chapter, and said animal may be immediately seized anywhere within the City, in which case the Animal Control Officer is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the City.

55.33 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, who shall provide the Animal Control Officer with

a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City shall be destroyed.

55.34 FIREARM PERMITS TO DESTROY OBNOXIOUS BIRDS. The Animal Control Officer authorized to grant a permit for the use of firearms within the City limits for the purpose of shooting and destroying pigeons, starlings, sparrows and other obnoxious birds of a like character and species when such birds are so concentrated as to substantially interfere with the peaceful enjoyment of private property within the City. The permit may be granted to any person over eighteen (18) years of age for a period of time specifically sated therein, and authority thereunder granted shall be limited to specific areas, shall specifically describe the type of firearm to be used and the species of birds to be destroyed, and shall be in writing. Nothing in this section shall exempt the permittee from any civil liability which may be imposed because of any negligence in the use of such firearm.

55.35 REGISTRATION OF KENNELS. The owner of any kennel within the City limits shall be required to obtain a permit by registering said owner's name and business address with the Clerk and shall comply with all City ordinances and regulations. A kennel permit shall not be issued to an owner within an R-1, R-2, R-3, R-4 or R-5 Zoning district. A kennel, for this purpose, is defined as the business of keeping or raising four (4) or more animals solely for the bona fide purpose of sale and which animals are kept under constant restraint.

55.36 REGULATION OF HORSES. It is unlawful for any person to ride, lead, or drive a horse or horses upon any public sidewalk or upon any other portion of a public street right-of-way other than that portion thereof designated for use by vehicular traffic. Any person riding, leading or driving any horse within the City limits shall be subject to all applicable City ordinances, rules of the road and all regulations governing traffic upon the public street, avenues, alleys and other public places within the City. Furthermore, all persons riding, leading, or driving any horses which defecate anywhere within the City limits, shall, without delay, remove the feces to a garbage or trash receptacle after first placing said feces in a plastic bag or other impermeable bag and sealing said bag by tying it securely using a "twist tie," tape, or similar device or shall otherwise dispose of the feces in a sanitary manner.

55.37 ANIMAL WASTE. It is unlawful for any person who owns, houses, leads, walks, or otherwise maintains control of any animal or pet which defecates anywhere within the City limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic bag or other impermeable bag and sealing said bag by tying it securely using a "twist tie," tape, or similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels, or pens wherein any dog, cat, pet or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces.

55.38 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair event.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

D. An inducement or condition for executing a contract which includes provisions unrelated to ownership, care of disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H clubs; Future Farmers of America; the Izak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsman's Federation.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Shelby the 6TH day of October 2008.

Ron Kroll, Mayor

Chris Martin, City Clerk

ORDINANCE NO. 100608A
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELBY,
IOWA BY ADDING A NEW CHAPTER 56 FOR DOG LICENSE REQUIRED

BE IT ENACTED by the City Council of the City of Shelby, Iowa:

SECTION 1. NEW SECTION: The Code of Ordinances of the City of Shelby, Iowa, is amended by adding a new Chapter 56 entitled Dog License Required which is hereby adopted to read as follows:

56.01 ANNUAL LICENSE REQUIRED. Every owner of a dog over six (6) months of age shall procure a dog license from the Clerk on or before January 31 of each year. Such license may be procured at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after said date. In those cases where, by reason of residence outside the City, age, or ownership, the dog is not subject to licensing on January 1 of any calendar year, the owner is required to purchase a dog license from the Clerk within thirty (30) days after the dog becomes subject to the terms of this chapter. If the license is not purchased within thirty (30) days, the owner shall pay the same license fee in addition to the delinquency fee set out in Section 56.03.

56.02 LICENSE FEES. The annual license fee shall be ten dollars (\$10.00) per year for each spayed/neutered animal and twenty-two (\$22.00) per year for each unsprayed/neutered animal.

56.03 DELINQUENCY. In addition to the City license fee, an owner who does not purchase a dog license before April 1 shall pay a delinquent fee of \$20.00 for each dog.

56.04 VACCINATION REQUIRED. Before a license is issued, the owner must present to the Clerk a certificate from and signed by a licensed veterinarian showing that the dog for which the license is sought has been vaccinated against rabies with an injection of anti-rabies vaccine approved by the State Department of Agriculture, and that the vaccination does not expire within six months after the effective date of the dog license. Such vaccine shall be administered by a licensed veterinarian. Such veterinarian shall thereupon issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog. This collar and tag shall at all times be kept on such dog. Such veterinarian shall issue a tag with the number thereon and the certificate of vaccination shall designate the tag number. Each rabies vaccination certificate issued by such veterinarian must be an official rabies vaccination certificate approved by the State Department of Agriculture.

56.05 CLERK TO ISSUE LICENSE. Upon payment of the license fee, the Clerk shall issue to the owner a license which shall contain the name of the owner, place of residence, and a description of the dog. The Clerk shall keep a duplicate of each license issued as a public record. Upon the issuance of the license, the Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it was issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without a license tag attached to its collar or harness shall be deemed unlicensed.

56.06 LICENSE AND VALID TAG REQUIRED. It is a violation of this chapter for any owner to own or possess a dog within the City without obtaining a license in compliance with this chapter. Any dog found at large without a valid license from the City, or not wearing a valid

rabies vaccination tag and for which no rabies vaccination certificate can be produced, shall be apprehended and impounded.

56.07 APPLICATION. At the time of application for a City license, the owner shall furnish to the appropriate agent or employee of the City the following:

1. A certificate showing the animal has been vaccinated against rabies and vaccination has not expired.
2. A brief description of the animal, including name, age and predominant breed.
3. A certificate or statement from a veterinarian stating the animal is neutered or spayed and the date of the neutering or spaying if known.

56.08 TAG NOT TRANSFERABLE. A license tag issued for one dog shall not be transferable to another dog. When the permanent ownership of a dog is transferred, the Clerk shall, by notation on the license record, give the name and address of the new owner.

56.09 DUPLICATE TAGS. The owner of any dog whose license has been lost or destroyed shall apply for a duplicate license. A fee of \$10.00 shall be charged for the issuance of a duplicate.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Shelby the 6 th day of October, 2008.

Ron Kroll, Mayor
Chris Martin, City Clerk