

Nevada Public Safety Department

CITY ORDINANCE CHAPTER 55

Animal Protection and Control



55.02 STANDARD OF CARE.

All owners and keepers of any animal shall comply with the following standards of care. Failure to comply with any standards shall be a violation of this section. It is the duty of each person keeping an animal to provide in a manner sufficient for the particular breed or species of the animal all of the following:

1. Adequate wholesome food provided at appropriate intervals in a quantity suitable for the physical condition and age of the animal, provided in a sanitary manner sufficient to maintain an adequate level of nutrition for such animal.

2. Reasonable access to an adequate supply of clean, fresh, potable water, provided in a sanitary manner. If potable water is not accessible to the animal at all times, it shall be provided for such duration and of sufficient quantity as appropriate for the environmental conditions, but not less than daily.

3. Adequate indoor shelter for an animal kept indoors, consisting of a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature and to provide for its health and comfort.

4. Adequate outdoor shelter for an animal kept outdoors, consisting of access to a shelter sufficient to ensure that the animal does not suffer unreasonable distress due to natural elements, including but not limited to wind, rain, snow, sun, cold or dampness. If such person has more than one animal, adequate shelter must be provided for each animal.

5. Adequate hazard-free space consisting of primary enclosures and housing facilities that are constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to maintain its physical condition. "Hazard" means anything that a reasonable person may deem potentially harmful to the welfare of an animal.

6. Adequate veterinary care, which means that a sick, diseased or injured animal shall be provided with proper health care, or humanely euthanized.

7. Adequate sanitation consisting of periodic cleaning or sanitizing housing facilities and any area where the animal is confined or restrained, to remove excreta

and other waste materials so as to minimize vermin infestation, odors and disease hazards.

8. Keeping the animal clean and providing proper grooming as appropriate for maintaining health.

9. Insuring that any leash, rope or other restrictive device is attached to the animal by a well-fitting collar or harness that is fastened to the animal in a manner to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food and water.

55.03 OWNER'S DUTY TO RESTRAIN AND SUPERVISE.

It is the duty of every animal owner to supervise, restrain and control the animal at all times and to prevent the animal from attacking or biting another animal or person, and to prevent the animal from running at large.

55.04 ANIMAL WASTE.

The owner of an animal is responsible for the immediate and proper disposal of solid waste excreted by the animal at all times that the animal is off the premises of the owner and is not otherwise confined in a vehicle, trailer, kennel or cage which is designed for the keeping or transporting of animals or persons. This section does not apply to animals under the control of persons with disabilities and which have been specially trained for the purpose of assisting persons with disabilities.

55.05 RABIES VACCINATION.

Every owner of a dog, cat or ferret shall obtain a rabies vaccination for each animal by the time it reaches the age of four months and such animals shall be re-vaccinated at intervals thereafter as stipulated by the manufacturer of the rabies vaccine used. Only a licensed and approved rabies vaccine can be used and must be administered by a licensed veterinarian. At the request of an animal control officer, the owner shall provide a copy of the current rabies vaccination. This section applies to all dogs, cats and ferrets kept within the City limits, brought into the City for shows, exhibitions or performances, or in transit.

55.06 RABIES TAGS.

It is the duty of the owner to ensure that all dogs, cats and ferrets over the age of four months wear a collar or harness to which a valid rabies tag is attached while any such animal is outside and accessible to the public.

55.07 RABIES DETERMINATION.

1. When an animal control officer receives information that an animal has bitten any person, or that an animal is suspected of having rabies, the officer shall investigate the report and may require that the animal be confined for an observation period of ten (10) consecutive days.

2. Observation and confinement of the animal shall be at an animal shelter, veterinary clinic, or by the owner, provided that the following criteria are met:

A. Upon initial examination by a licensed veterinarian the animal is determined to be free of clinical signs of rabies.

B. There is a current certificate of vaccination for rabies readily available.

C. The owner is able to demonstrate a history of responsibility in confining the animal.

D. The location for confinement is a facility sufficiently secure to ensure that the animal will not be lost or taken or escape from confinement for the entire observation period.

E. The owner must allow the animal control officer to assess the animal at all times during the observation period.

F. Exposure is limited to persons in the owner's immediate family.

G. Any other conditions as imposed by the animal control officer.

3. Immediately following the quarantine period the animal must be re-examined by a licensed veterinarian to ensure the animal is free from clinical signs of rabies.

4. Animals that have bitten a person, or are suspected of having rabies, may be humanely euthanized or destroyed and examined for rabies by an authorized diagnostic laboratory for the following reasons:

A. Upon the owner's request.

B. When it is determined appropriate by a licensed veterinarian.

C. When there has been an attack on the face or neck of the person or persons bitten.

5. This section does not apply if a police service dog or horse used by a law enforcement agency, and acting in the performance of its duties, has bitten a person, provided the animal is current on its rabies vaccination.

6. The owner shall be responsible for paying the entire costs for impoundment, clinical assessments performed by a licensed veterinarian and other associated expenses.

55.08 DUTY TO REPORT ANIMAL ATTACKS OR SUSPECTED RABIES.

It is the duty of any person who has knowledge of an animal that has bitten or attacked a person, or is suspected of having rabies, to promptly report the information to the Nevada Police Department.

55.09 DUTY UPON STRIKING A DOMESTIC ANIMAL.

Any person who, as the operator of a motor vehicle, strikes, injures or kills any domestic animal shall report the incident as soon as possible following the incident to the Nevada Police Department.

55.10 ENDANGERING ANIMALS.

No person shall endanger the health and safety of an animal by any means, including but not limited to the following:

1. Transporting or maintaining an animal in the open bed of a pickup except when the animal is secured inside a cage or kennel or is secured by a leash or tether sufficiently short to keep the animal inside the pickup box at all times, but of adequate length to allow the animal to sit or lie down. No person shall transport an animal in a box, container or cage without proper ventilation and adequate space requirements as determined by the breed and species of animal.

2. Leaving an animal unattended in or tethered to a parked motor vehicle in a manner that endangers the health or safety of the animal.

3. Harassing an animal except when the action is necessary to protect persons or their property from the animal.

4. Willfully releasing any animal or opening any door or gate on any private or public premises without the consent of the owner for the purpose of enticing or enabling any such animal to leave the premises except when done by a person working in an official capacity as an animal control officer, firefighter or peace officer and for the purpose of enforcing animal control regulations or when rescuing the animal from an immediate threat of harm.

55.11 PROHIBITED DOMESTIC ANIMAL NUISANCES.

The following acts and circumstances by domestic animals are nuisances and are prohibited:

1. Running at large;
2. Causing damage or defilement to public or private property;
3. Continuous or repeated barking, baying, whining, howling or making any annoying sound for prolonged or repeated time periods;
4. Chasing, molesting, threatening or annoying persons who are lawfully on public or private property; and
5. Chasing, molesting or impeding lawfully operated vehicles on public or private property.

The owner of any animal violating this section may be cited for the violation.

55.12 PROHIBITION ON TRAPPING.

1. It is unlawful for any person to set and maintain animal or bird traps upon public or private property at any time, except as follows:

A. Humane live box traps on private property by permission of the property owner;

B. Humane live box traps on public property with the written permission of the animal control officer; and

C. Humane live box traps maintained by an animal control officer.

2. The use of Connibear traps, snare traps, steel jaw traps, leghold traps, spring traps, or any similar device designed to catch and hold the animals by the head, or neck or leg, or other part of the body, or which is likely for any reason to cause injury, pain and suffering before death, is prohibited, except as follows:

A. A spring mole trap may be used to trap moles in a lawn provided the trap is set close to the ground so as to prevent the capture of other animals above ground.

B. An animal control officer may use any trap listed in this subsection if an animal is determined to be a serious threat to persons or property.

55.13 PROHIBITED ANIMALS.

No person shall keep, shelter or harbor any livestock, or exotic animal, or act as a temporary custodian for such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. Animals kept for temporary exhibition to the public by a bona fide circus, fair, carnival, exhibit or show which is in compliance with applicable Federal and State laws regarding the ownership, keeping, maintenance, and exhibition of such animals;

2. Animals in a bona fide, licensed veterinary hospital for treatment;

3. Any such animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Iowa Code Chapters 481A and 481B;

4. Livestock maintained in an agriculturally zoned area, in compliance with the City's zoning regulations;

5. Livestock brought into the City on a temporary basis for use or display in any City-sanctioned event such as a parade, rodeo, Memorial Day, Independence Day, or Lincoln Highway Day celebration or similar community event;

6. Livestock brought into the City on a temporary basis for use or display in connection with any event sponsored or sanctioned by the Story County 4-H Fair association or an event held at the Story County Fair Grounds with the express consent and permission of the Story County 4-H Fair Association;

7. Livestock used by private individuals or entities for public entertainment or commercial purposes such as animals used to draw horse drawn carriages, sleighs and similar vehicles or devices, provided the livestock is not boarded or harbored within the City overnight and provided further that all animal waste is immediately removed by the owner. This exception shall not be construed to authorize the operation of a riding stable, petting zoo or similar enterprise on private or public property within the City.

Poultry existing on January 1, 2004, is not prohibited for a period of three years, through and including December 31, 2006. However, this exception shall not be construed to allow replacement of existing poultry, nor shall owners be immune from prosecution for violations of the City's nuisance or noise ordinances if such violations occur.

55.14 DANGEROUS ANIMALS AND INSECTS.

It is unlawful for any person to own, possess, harbor or keep a dangerous animal in the City. It is unlawful to engage in any practice that is designed or intended to increase the aggressiveness and attack propensities of any animal. This section does not apply to animals owned by a law enforcement agency and kept for the purpose of enhancing public safety by a trained handler. No person shall raise or harbor bees within the City, either as a hobby or for commercial purposes.

55.15 DISPOSITION OF DANGEROUS ANIMALS.

When there is reasonable cause to believe that an animal is dangerous, the Police Chief is granted the independent authority to require an owner of an animal to permanently remove the animal from the City. Such requirement will be directed in writing to the owner and the owner will immediately comply. If an owner contests that an animal is a dangerous animal, the owner may petition the Council and request a hearing on the matter. However, from the time of written notice and through the time of a hearing, the owner must comply with the written directive and keep the animal outside of the City. If upon written notice, an owner refuses to remove or at any time brings or keeps the animal in the City, an animal control officer may take custody of the animal and the animal may be held in impound until a hearing is held. The animal owner will be responsible for all costs associated with impounding and boarding the animal until the time of the hearing. If after a hearing, the Council determines the animal to be a dangerous animal, the animal may be euthanized or humanely killed if it is found to be in the City and the owner shall be responsible for the costs. The provisions of this section do not prohibit the immediate destruction of a

dangerous animal which is in the act of threatening public safety or which cannot be expeditiously apprehended without substantial risk to any person.

55.16 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.

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 the ownership, care or 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 Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.17 RESCUE AND IMPOUNDING OF ANIMALS.

Whenever an animal is found to be either running at large, neglected, abused, in need of rescue or kept in violation of this chapter, an animal control officer may impound the animal at a veterinary clinic or animal shelter. The owner of the animal shall be responsible for actual costs attributed to the care and maintenance of the animal. In addition to those costs, the owner of the animal shall be responsible for the payment of the administrative fee as set out in the Appendix to this Code of Ordinances.

55.18 REDEMPTION OF IMPOUNDED ANIMALS.

Impounding costs and administrative fees shall be established by resolution of the Council as may be necessary to recover all costs, fees, and charges incurred by the City for impounding and maintaining the animal. All costs shall be paid before the animal is released.

55.19 DISPOSITION OF ANIMALS.

When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.20 AUTHORITY GRANTED TO ANIMAL CONTROL OFFICERS.

When investigating or enforcing this chapter, an animal control officer shall have the right and authority to enter upon private property for the purpose of inspecting any premises or to inspect, apprehend, impound or rescue any animal. Such entrance onto private property shall not include entering a domicile unless entry is made with consent of a person with the authority and right to grant consent into the domicile or entry is made into the domicile pursuant to a search warrant issued by a court or otherwise in a manner consistent with the laws of this state and of the United States.

55.21 VIOLATIONS.

All violations of any provision of this chapter are hereby declared simple misdemeanors and municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the animal control officer.