

**LYON COUNTY
ORDINANCE NO. 2022-02**

Animal Control and Protection

ARTICLE 1 – REGULATION OF ANIMALS

1.1 DEFINITIONS. For use in this Article, the following terms are defined:

1. "ANIMAL" shall mean all living creatures not human.
2. "DOG" shall mean both male and female animals of the canine species whether altered or not.
3. "OWNER" shall mean any person owning, keeping, sheltering, or harboring an animal.
4. "AT LARGE" shall mean 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.
5. "RESTRAINT" shall mean that any dog shall be deemed under restraint if on the premises of its owner or accompanied by a responsible person and under his/her control.
6. "KENNEL OR DOGS" shall mean those dogs kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
7. "VICIOUS ANIMAL" shall mean any animal, except a dangerous animal per se as listed below, that has attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal which shall have attacked or bitten any person without provocation; any animal that has chased, killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, County, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner.
8. "PETS" shall mean both male and female cats, dogs, horses, ponies, mules, birds, fowl, rabbits, and other pets, which are commonly kept by members of the public for family and personal enjoyment which generate waste products which may be offensive to the general public.
8. "LIVESTOCK" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry. Common names for "livestock" are, but are not limited to: cows or cattle, sheep, swine, pigs, chickens, turkeys, horses, ducks, geese, or emus.

9. "DANGEROUS ANIMAL" shall mean any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and 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. The following animals are deemed to be dangerous animals per se:
1. All poisonous animals including rear-fang snakes.
 2. Alligators and crocodiles.
 3. Apes (chimpanzees, gibbons, gorillas, orangutans and siamangs "Y").
 4. Baboon.
 5. Badgers, wolverines, weasels, skunks, mink, ferrets, martens, otters and other mustelids.
 6. Bats.
 7. Bears.
 8. Bison.
 9. Bobcats.
 10. Cheetahs.
 11. Constrictor snakes.
 12. Coyotes.
 13. Deer.
 14. Emu.
 15. Foxes.
 16. Gamecocks and other fighting birds.
 17. Gila monsters.
 18. Hippopotamus
 19. Hyenas.
 20. Jaguars.
 21. Leopards.
 22. Lions.
 23. Lynxes.
 24. Monkeys.
 25. Ostriches.
 26. Piranha fish.
 27. Pot-bellied pigs.
 28. Pumas, also known as cougars, mountain lions and panthers.
 29. Rhinoceroses.
 30. Scorpions.
 31. Sharks.
 32. Snow Leopards.
 33. Tigers.
 33. Wolves.
 34. Any cross breed of such animals which have similar characteristics of the animals specified above.
 35. Any animals declared to be dangerous by the County.
10. "COUNTY" shall mean all unincorporated areas of Lyon County, Iowa.

- 1.2 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined. (Code of Iowa, Sec. 351.33)
- 1.3 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article if the kennel is licensed under Chapter 162, Code of Iowa.
- 1.4 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large.
- 1.5 ACTIONS OF DOGS CONSTITUTING A NUISANCE.
It shall be unlawful for an owner of a dog to allow or permit such dog to perform the following:
1. OTHER PREMISES. To pass upon the premises of another thereby causing damage to, or interference with, the premises.
 2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.
 3. CAUSE DAMAGE. To cause any damage or defilement to the public or private property.
 4. MOLEST PERSONS. To molest or harm any person on public or private property.
 5. MOLEST ANIMALS. To molest, attack, or kill wildlife, birds, or domestic animals on public or private property.
 7. TO RUN AT LARGE.
- 1.6 IMPOUNDING. It shall be the duty of the Sheriff or his/her authorized agent, as approved by him/her, to cause to be taken up and impounded any dog found to be at large within the County contrary to the provisions of this Code. Efforts shall be made to contact the owner, if possible, in all cases.

All dogs impounded shall be kept no more than three (3) days after being impounded. At the expiration of such time, if not claimed or redeemed, the dog may either be turned over to a society organized for the express purpose of prevention of cruelty to animals or humanely destroyed, or if deemed advisable, be sold or given to a reliable individual at the discretion of the Sheriff. All collars and appurtenances affixed to said animal when impounded shall be disposed of as deemed necessary. Prior to release of said animals to individuals by sale or by gift, all animals shall receive proper immunization. These fees shall be paid for by the new owner.

If the animal is claimed or redeemed, the owner shall immediately abide by the regulations herein established before release is made by the person having custody, and an impounding fee is established by the particular veterinary clinic, shall be paid to the clinic.

- 1.7 DOGS NOT CLAIMED. Any impounded dogs not claimed shall be disposed of in a humane manner in accordance with the law. (Code of Iowa, Sec. 351.37)
- 1.8 DISPOSAL FEE. A disposal fee for all dogs shall be at the rate established by the particular veterinary clinic and paid for by the owner if established, or by the County in all other cases.
- 1.9 LIABILITY FOR IMPOUNDING FEE. If a dog is impounded for a violation of this Ordinance, the owner shall pay all impounding fees, whether they claim or redeem said dog or not, provided that it can be established who is the rightful legal owner.
- 1.10 KEEPING OF DANGEROUS OR VICIOUS ANIMALS PROHIBITED. It shall be unlawful for any person to keep, shelter, or harbor any vicious animal as a pet, or act as custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the County of Lyon, Iowa, except as, provided in Sections 11.10(1) and 1.10(2) of this Article.
 1. DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 1.10 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:
 - a) The keeping of dangerous animals for the exhibition to the public by a circus, carnival, exhibit, which is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required federal or state licenses, if:
 1. The animals' location conforms to the provision of the Zoning Ordinance of the County.
 2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained so to eliminate objectionable odors.
 3. Animals are maintained in quarters so construed as to prevent their escape.
 4. No person lives or resides within one hundred feet (100') of the quarters in which the animals are kept.
 5. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
 2. EXCEPTIONS TO THE VICIOUS ANIMALS' PROHIBITION.
 - a) Animals under the control of a law enforcement or military agency.
 - b) The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed closure at all times, and any guard dog

found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded with a guard dog shall be prominently posted with a sign containing the wording "Guard Dog", "Vicious Dog", or words of similar import.

- c) No animal shall be deemed vicious as a result of having attacked or injured any person who, at the time of such attack or injury, was committing a willful trespass or was committing or attempting to commit other criminal conduct while on the premises occupied by the owner or keeper of such animal, or was at the time of the injury or attack, teasing, tormenting, abusing, or physically assaulting the animal.
 - d) No animal shall be deemed vicious as a result of having defended or protected its owner/keeper from an unjustified attack or physical assault.
 - e) No animal shall be deemed vicious for causing injury or death to another animal if it was defending itself from an unprovoked attack by such other animal.
3. VIOLATIONS. Any animal found to be in violation of this Section may be immediately impounded or disposed of subject to the terms and conditions set out in this ordinance.
4. SEIZURE, IMPOUNDMENT, AND DISPOSITION.
- a) In the event that a dangerous animal or 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 persons or property, such animal may, at the discretion of a peace officer, be destroyed if it cannot be confined or captured. The County shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
 - b) Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the County, the Sheriff or his designee shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the County, the Sheriff or his designee shall order the person named in the complaint to safely remove such animal from the County or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal.

- c) The notice to remove an animal from the County or have it destroyed shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required when such animal has caused serious physical harm or death to any person, in which case the Sheriff or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- d) The order to remove a dangerous animal or vicious animal issued by the Sheriff or his designee may be appealed to the County. In order to appeal such order, written notice of appeal must be filed with the County Auditor within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal.
- e) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the County Auditor or his/her designee. The Auditor will subsequently notify the Board of Supervisors of said appeal. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal or as soon as possible thereafter depending upon the court's schedule. The person filing the notice of appeal must be present at the hearing. Failure to attend such appeal hearing shall constitute a waiver of the right to appeal. The hearing may be continued for good cause. At the conclusion of such hearing, the court may affirm or reverse the order of the Sheriff or his designee. Such determination shall be contained in a written decision and shall be filed with the Clerk of Court after the hearing or any continued session thereof.
- f) If the court affirms the action of the Sheriff or his designee, the court shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the County or destroy it. The decision and order shall immediately be served upon the person who filed the appeal. Such notice shall be given in writing and shall be served personally or by certified mail.
- g) If the original order of the Sheriff or his designee is not appealed and is not complied with within three (3) days of the court order, the Sheriff or his/her designee is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Sheriff or his designee issued pursuant to this chapter and not appealed, or an order of the court after appeal,

constitutes a violation of this ordinance and is punishable with a \$200.00 fine.

- 1.11 IMPOUNDMENT. Animals, other than vicious or dangerous animals as defined in Section 1.1, found at large in violation of this chapter shall be seized and impounded, at the discretion of the peace officer, or the owner may be served a summons to appear before a proper court to answer charges made thereunder. The impounded animal may be claimed by the owner after payment of impoundment fees and penalties. Any animal not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.
- 1.12 PENALTY. The penalty for violation of this Ordinance, except for violations established in Section 1.10 which are specifically provided for therein, shall be a civil infraction punishable by a fine of \$200.00 and each separate event violating

ADOPTED AND PASSED by the Board of Supervisors of the County of Lyon on this 27 day of September 2022.


 Josh Feucht, Chairman

Attest: 
 Jen Smit, County Auditor

First Reading: August 23, 2022
 Second Reading: September 13, 2022
 Third Reading: September 27, 2022
 Public Hearing Date: September 27, 2022