

## TITLE III – PUBLIC ORDER AND SAFETY (Chapters 20-23)

**CHAPTER 21****ANIMAL CONTROL**

21.01	Purpose.	21.06	Animal Welfare and Care.
21.02	Definitions.	21.07	Penalties.
21.03	Owner Responsibility.	21.08	Severability Clause.
21.04	Keeping of Dangerous Animals.	21.09	Adoption of Iowa Code.
21.05	Exceptions to Keeping Dangerous Animals.		

The Warren County Board of Supervisors hereby repeals Chapter 21, “Animal Control and Dangerous Dogs,” and adopts Chapter 21, “Animal Control,” effective May 21, 2024.

**21.01 PURPOSE.**

This chapter provides for the regulation of keeping domesticated animals and dangerous animals, dogs running at large in unincorporated Warren County, the County’s response regarding rabies as legislated in the Iowa Code, and notice, hearings and imposition of penalties for violation of this Chapter.

**21.02 DEFINITIONS.**

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

1. “At-large” means any animal found off the premises of its owner and not under the control of a competent person, restrained within a motor vehicle or fenced-in area, housed in a veterinary hospital or kennel, on a leash (electronic or otherwise) or “at heel” beside a competent person and obedient to that person’s command.
2. “Board of Health” means the Warren County Board of Health.
3. “Board of Supervisors” means the Warren County Board of Supervisors.
4. “County” means Warren County, Iowa.
5. “County Agent” is a public or private entity either employed or under contract with the County to assist the County in regulating various sections of this chapter.
6. “Dangerous 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 domesticated animals and having known tendencies as a species to do so.

- b. The following animals shall be deemed dangerous per se:
  - i. Wolves, coyotes or foxes.
  - ii. Badgers, wolverines, weasels, mink, and other mustelids.
  - iii. Bats.
  - iv. Bears.
  - v. Gila monsters and lizards that are venomous or poisonous.
  - vi. All apes (including chimpanzees), baboons and macaques.
  - vii. Monkeys.
  - viii. Elephants.
  - ix. Wild boar.
  - x. Black widow and brown recluse spiders, and scorpions.
  - xi. Snakes that are naturally venomous or poisonous.
  - xii. Snakes which are constricting.
  - xiii. All cats, except domestic cats (*felis catus*), including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, ocelots, and bobcats.
  - xiv. Raccoons, opossums, and skunks.
  - xv. Other animals as defined as dangerous wild animals in Iowa Code Chapter 717F.5 (2023).
7. “Domestic Animal” means an animal commonly referred to as a bovine, swine, sheep, goat, domesticated deer, llama, poultry, rabbit, horse, pony, mule, jenny, donkey or hinny. Iowa Code 673.1(2) (2023). In Warren County, Iowa, alpacas are considered domestic animals.
8. “Household Animal” or “Pet” means any companion animal normally kept by an owner anywhere on that owner’s property, whether indoors or outdoors, for the purposes of pleasure, protection, working or hunting.
9. “Impound” means taken into custody by law enforcement, veterinarian, or animal shelter designated by the County Board of Supervisors.
10. “Kennel Animal” means any animal that under normal conditions is housed in a veterinary hospital or registered kennel.

11. “Law Enforcement Officer” means an officer appointed by the director of the department of natural resources; an officer appointed by the director of the Iowa law enforcement academy; a member of a police force or other agency or department of the state, county or city, regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state and all individuals as determined by the council, who by nature of their duties may be required to perform the duties of a peace officer. In Warren County, this includes reserve peace officers from the Warren County Sheriff’s Office.
12. “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 Iowa Code (2023); or poultry.
13. “Neglected or Suffering Conditions” means any condition or situation in which the animal is in imminent danger, or as defined in Iowa Code Chapter 717B.
14. “Owner” means a person who:
  - a. Has the right of property or custody of an animal provided that the right is not merely temporary;
  - b. Keeps, kennels, or harbors an animal other than temporarily.
15. “Proper enclosure” means any pen or kennel with side attached to a secured top and a secured bottom, floor, or foundation. In lieu of a secured top, a fence may be used that is at least six feet in height or six feet taller than any structure (such as a doghouse) in the pen or kennel. In lieu of a bottom floor or foundation, a fence that is imbedded into the ground at least two feet to prevent any digging under the fence, may be used.
16. “Stray” means any animal unlawfully running at-large, the ownership of which cannot with reasonable investigation be ascertained or any animal which has been abandoned by its owner.
17. “Unincorporated Area” means any area not within the confines of an incorporated city. An incorporated city may have an agreement with the County that allows the County Sheriff’s Office to assist the city with animal control.

### **21.03 OWNER RESPONSIBILITY.**

1. Warren County adopts Iowa Code Chapter 351 (2023) in its entirety.
2. Every dog found off its owner’s property or premises shall be properly restrained, or the dog shall be deemed at-large.
3. No dog shall trespass on a non-owner’s property.
4. Pursuant to Iowa Code 351.38 (2023), and any revisions, additions, or deletions there after adopted by the State of Iowa, “It shall be 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 shall be 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.”

5. If at any time an animal is confined and/or impounded, all costs of confinement or impoundment shall be the responsibility of the animal owner.
6. It is unlawful for an owner of any animal to permit such an animal to run at-large within the County.

#### **21.04 KEEPING OF DANGEROUS ANIMALS.**

No person shall keep, shelter or harbor any animal 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 County except as provided in Section 21.10 of this chapter. See Section 21.02 of this chapter for a list of dangerous animals not allowed in Warren County, Iowa.

#### **21.05 EXCEPTIONS TO KEEPING DANGEROUS ANIMALS.**

The prohibition against keeping dangerous animals as defined in Section 21.02 shall not apply in the following circumstances:

- A. 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 purposes of instruction, research and study.
- B. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- C. The keeping of illegal animals in a licensed veterinary hospital or clinic for treatment.
- D. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.

#### **21.06 ANIMAL WELFARE AND CARE.**

Suspected cases of animal neglect will be investigated by the Warren County Sheriff's Office.

All animals shall be maintained with a minimum level of care. This means the care sufficient to reasonably preserve the physical health and condition of the animal(s), and except for emergencies or circumstances beyond the reasonable control of the owner includes but is not limited to the following requirements:

1. A sufficient quantity of wholesome feed suitable for the animal's species and age, sufficient to maintain reasonable levels of nutrition, at intervals of not more than twenty-four (24) hours or longer if the dietary requirements of the animal require.

2. Reasonable access to a supply of clean, fresh water provided for drinking in amounts and at intervals suitable for the species, not to exceed twenty-four (24) hours at any interval.
3. If the animal is a pet, adequate access to a shelter sufficient to ensure that the pet does not suffer unreasonable distress due to natural elements, including but not limited to wind, rain, snow, sun, cold or dampness.
4. If the animal is livestock, adequate access to a natural or constructed barrier sufficient to offer reasonable protection against temperature extremes, wind, rain, or snow.
5. If the animal is restricted in a confinement area for an extended period, the area shall be kept reasonably clean and free from contaminates, including animal waste, which may threaten the health of the animal.
6. Veterinary or farrier care if a reasonably prudent person would advise such care to relieve distress from injury, disease or neglect.
7. If the animal is a pet, a confinement area with adequate space for the exercise necessary to preserve the health of the animal and which provides a dry area for the animal to rest. The air temperature or ventilation shall be suitable to preserve the health of a normal animal of the same species.
8. If an animal is fastened by a leash, including a rope or chain, which restricts movement of the animal, a leash must be attached to the animal by a well-fitting collar or harness that is fastened to the animal in a manner designed to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food and water.

In the event that the Warren County Sheriff's Office finds animals in neglected or suffering conditions, the Sheriff (or Warren County Deputies) shall have the right to immediately remove or cause to have removed any such animals to a safe place for care at the owner's expense, providing that the owner is notified by certified mail or by personal service of a letter or warrant by the Warren County Sheriff's Office before removal, and that removal is conducted pursuant to Chapter 21 of the Warren County Code of Ordinances. If it is determined by the Warren County Sheriff's Department that the animal's status is of a critical nature, the Warren County Sheriff's Department may take immediate steps to protect the animal, including but not limited to having the animal examined by a veterinarian. Return of the animal to the owner shall not be permitted until the owner has made full payment for all expenses incurred by Warren County. Criminal charges may be pursued by Warren County, pursuant to Iowa Code 717 or 717A, if warranted.

#### **21.07 PENALTIES.**

Any animal owner or caretaker found to be in violation of Iowa Code Chapters 351, 717, 717A and 717B, or Warren County Ordinances Chapter 21 shall be subject to civil penalties set forth in Chapter 2, County Infractions, Warren County Code of Ordinances. Enforcement of penalties pursuant Chapter 2 County Infractions does not preclude enforcement of penalties under the Code of Iowa.

**21.08 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, paragraph, provision, or part thereof not adjudged invalid or unconstitutional.

**21.09 ADOPTION OF IOWA CODE.**

Where the County has adopted a chapter of the Iowa Code, in whole or in part, the County also adopts any revisions, additions, or deletions thereafter adopted by the State of Iowa