

**Local Ordinance # 32**  
**Dog Control Ordinance of Mitchell County**

**SECTION 1 - PURPOSE:**

Mitchell County finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created a nuisance within the County. The purpose of this ordinance is to protect the health, safety, and well being of persons, property and domestic animals from dog attack and damage by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the County.

**SECTION 2 - AUTHORITY:**

This local ordinance is enacted pursuant to the provisions of Iowa Code §351.41.

**SECTION 3 - TITLE:**

The title of this ordinance shall be "Dog Control Ordinance of Mitchell County."

**SECTION 4 - DEFINITIONS:**

A. "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

B. "Harbor" means to provide food or shelter to any dog.

C. "At Large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:

1. On a leash and accompanied by and under the immediate supervision and control of the owner or other responsible person;
2. A police work dog in use for police work; or
3. Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land with the permission of the owner of the land.

**SECTION 5 - RESTRICTIONS:**

It shall be unlawful for any owner of any dog to permit or allow such dog in Mitchell County to:

A. Be at large;

B. Engage in loud howling, barking, crying or whining, or conduct itself in such a manner as to unreasonably and habitually annoy any person;

C. Cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog;

D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury; or

E. Chase, run alongside of or bark at motor vehicles or bicycles.

**SECTION 6 - ENFORCEMENT:**

This local ordinance may be enforced by the Mitchell County Sheriff's Office or any law enforcement officer in Mitchell County when acting pursuant to his duties.

**SECTION 7 - SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION:**

A. Any dog found in violation of the provisions of Section 5 of this Ordinance may be seized pursuant to the provisions of Iowa Code §351.37.

B. Every dog seized shall be properly cared for, sheltered fed and watered for the redemption periods set forth in Iowa Code §351.37.

C. Seized dogs may be redeemed by producing proof of rabies vaccination and identification.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (B) of this section whether or not such owner chooses to redeem his or her dog.

E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized.

F. If after the seven-day required redemption period a dog has not been claimed by the owner, the Mitchell County Sheriff's Office has the authority to offer the dog for adoption for a minimum adoption fee to be determined by the Mitchell County Board of Supervisors by resolution.

**SECTION 8 - COMPLAINT:**

Any person who observes a dog in violation of this ordinance may file a complaint with the Mitchell County Sheriff's Office specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this ordinance. Any individual filing a false complaint under this ordinance shall be deemed to have committed a violation of Iowa Code §718.6.

**SECTION 9 - APPEARANCE CITATION:**

The Mitchell County Sheriff's Office or any law enforcement officer in Mitchell County upon investigation of a violation of this ordinance may issue and serve an appearance citation for such violation.

**SECTION 10 - PENALTIES:**

Any person convicted of violating this ordinance shall be deemed to have committed a violation and shall be subject to a maximum fine in the amount of \$500.00 or 30 days in jail.

**SECTION 11 - SEPARABILITY:**

Each separate provision of this ordinance shall be deemed independent of all other provisions herein; and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**SECTION 12 - REPEALER:**

This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within Mitchell County.

**SECTION 13 - IOWA CODE §351:**

Iowa Code §351 shall continue to remain in full force and effect and no provision of that Code Section shall be deemed to have been effected by this ordinance.

**SECTION 14 - EFFECTIVE DATE:**

This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Adopted by the Board of Supervisors on this 13~~th~~ day of JUNE, 2006.

MITCHELL COUNTY BOARD OF SUPERVISORS

By: Stanley R. Walk Chair  
Stanley R. Walk, Chairperson, Board of Supervisors

ATTEST:

Lowell Tesch  
Lowell Tesch, County Auditor