

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.18 Vicious Dog Permits
55.02 Cruelty to Animals	55.19 Confinement of Vicious Dogs
55.03 Abandonment	55.20 Vicious Dogs at Large
55.04 Animal Neglect	55.21 Seizure, Impoundment and Disposition of Vicious Dogs, Illegal Animals and Dangerous Animals
55.05 Livestock Neglect	55.22 Keeping of Illegal Animals Prohibited
55.06 Livestock	55.23 Illegal Animal Exceptions
55.07 Damage or Interference	55.24 Keeping of Dangerous Animals Prohibited
55.08 Annoyance or Disturbance	55.25 Dangerous Animal Exceptions
55.09 Owner's Duty	55.26 Immediate Seizure or Destruction of Animals
55.10 Confinement	55.27 Permanent Removal From City
55.11 Dogs Running At Large	55.28 Firearm Permits To Destroy Obnoxious Birds
55.12 Impounding and Disposition	55.29 Registration of Kennels
55.13 Rabies Control	55.30 Regulation of Horses
55.14 Quarantine	55.31 Animal Waste
55.15 Disposal of Infected or Toxic Animal	55.32 Pet Awards Prohibited
55.16 Female Dogs	
55.17 Enabling Dogs to Leave Premises	

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. "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.
5. "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.
6. "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.

7. “Dog” means and includes both male and female animals of the canine species.

8. “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.

9. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.

10. “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 Administrator;

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 and bobcats;

(2) Wolves, coyotes and foxes;

(3) Badgers, wolverines, weasels, skunk and mink;

(4) Raccoons;

- (5) Bears;
 - (6) Monkey 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.
11. “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*)
12. “Offending animal” means a “vicious dog,” an “illegal animal,” or a “dangerous animal” as defined herein.
13. “Owner” means any person owning, keeping, sheltering or harboring an animal (or allowing the keeping, sheltering or harboring of an animal on the premises of said person).
14. “Pet” means a living dog, cat or an 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.
15. “Police Chief” means the legally designated chief of the Police Department or a designated representative who is the City employee designated by the City Administrator to administer the animal control function.
16. “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 Police Department, 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 owing 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 ABANDONMENT. A person who has ownership 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 surrender the cat or dog to an animal shelter or pound during regular working hours, for a ten dollar (\$10) per animal surrender fee.

(Ord. 2009-06 – May. 09 Supp.)

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

55.04 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)

55.05 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)

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

55.07 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.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog 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.

55.09 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.

(Code of Iowa, Sec. 351.38)

55.10 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. 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. If such animal is returned to its owner, the owner shall pay the cost of impoundment. 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)

55.11 DOGS RUNNING AT LARGE. The owner of a dog shall at all times restrain such dog from being or running at large within the corporate limits of the City. Failure to do so shall constitute a simple misdemeanor subject to the following penalty provisions.

1. Dogs at Large:
 - A. First offense \$100.00 fine
 - B. Second offense \$200.00 fine
 - C. Third offense \$300.00 fine
 - D. Fourth and subsequent offenses shall be fined the sum of \$500.00 or imprisonment not to exceed 30 days.

2. Vicious Dogs at Large:
 - A. First offense \$200.00 fine
 - B. Second offense \$300.00 fine
 - C. Third offense \$400.00 fine
 - D. Fourth and subsequent offenses shall be fined the sum of \$500.00 or imprisonment not to exceed 30 days.
 (Ord. 2013-05 – June 13 Supp.)

55.12 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 twenty five dollars (\$25.00) as an impounding fee for the first offense, plus an additional fee of ten dollars (\$10.00) for keeping such dog for each day or fraction thereof during which such dog has been impounded; fifty dollars (\$50.00) as an impounding fee for the second offense on the same dog, plus an additional fee of ten dollars (\$10.00) for keeping such dog for each day thereafter; and seventy-five dollars (\$75.00) as an impounding fee for the third and each successive offense thereafter on the same dog, plus an additional fee of ten dollars (\$10.00) for keeping such dog for each day thereafter.
 (Ord. 2013-05 – June 13 Supp.)

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

4. When any dog has been apprehended and impounded, the official 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. *(Ord. 2013-05 – June 13 Supp.)*

5. These impounding and disposition charges and proceedings may be imposed in addition to the criminal sanctions of Section 55.11 herein.

6. A five dollar (\$5.00) fee shall be charged for adoption of any animal from the Harlan City Pound. The fee shall be waived only upon adoption of any animal by a certified non-profit organization. *(Ord. 2013-05 – June 13 Supp.)*

7. A twenty-five dollar (\$25.00) adoption fee will be charged for the adoption of any intact (non-sterilized) animal from the Harlan City Pound. Twenty dollars (\$20.00) of this fee to be refunded upon receiving spay/neuter confirmation from a licensed veterinarian. *(Ord. 2009-06 – May 09 Supp.)*

55.13 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 55.12 of this chapter.

(Code of Iowa, Sec. 351.33)

55.14 QUARANTINE. The owner of any animal which has contracted rabies, or which has been subject to same, or which is suspected of having rabies, or which shall have bitten any person, shall upon demand by the Police Chief, produce and surrender up such animal to be held in quarantine for observation for that period necessary to detect the existence or nonexistence of rabies. The cost of caring for said animal shall be paid by the owner.

(Code of Iowa, Sec. 351.39)

(Ord. 2013-05 – June 13 Supp.)

55.15 DISPOSAL OF INFECTED OR TOXIC ANIMAL. If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such animal shall be disposed of and it shall be the duty of said veterinarian to notify the City Chief of Police of any positive rabies case found, without delay. All related veterinarian fees shall be the responsibility of the owner. *(Ord. 2013-05 – June 13 Supp.)*

55.16 FEMALE DOGS. It shall be 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.

(Ord. 2013-05 – June 13 Supp.)

55.17 ENABLING DOGS TO LEAVE PREMISES. It is unlawful for any person, except 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.

55.18 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 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 Police Chief 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.

55.19 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be secured confined within an occupied house or residence or in a secured enclosed and locked pen or kennel, except when leashed and muzzled as provided below. Such pen, kennel or structure must have secure sides and 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 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 minimum two (2) inch lettering saying "Beware of Vicious Dog". The Police chief is empowered to inspect such pens at least once per year. All structure 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 exist 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.

(Ord. 2013-05 – June 13 Supp.)

55.20 VICIOUS DOGS AT LARGE. A vicious dog which is found 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.

(Ord. 2013-05 – June 13 Supp.)

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

1. The Police Chief or designee, 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 Administrator or designee. 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. The 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 City Administrator or designee determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the City Administrator or designee 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 City Administrator or designee 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 City Administrator or designee was issued has not appealed such order to the Council, or has not complied with the order, the City Administrator or designee 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 City Administrator or designee 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 right to appeal the order to the City Administrator or designee.

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 the 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 City Administrator or designee. 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 City Administrator or designee 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 City Administrator or designee, 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 City Administrator or designee is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief or designee is authorized to seize and impound said 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 City Administrator or designee 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 City Administrator or designee shall cause the dog to be destroyed in a humane manner.

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

(Subsections 1-6 - Ord. 2013-05 – June 13 Supp.)

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 such 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.

55.22 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter or harbor any illegal 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 City except as provided in Section 55.23 of this chapter.

55.23 ILLEGAL ANIMAL EXCEPTIONS. The prohibition contained in Section 55.22 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 the possession of the Iowa Department of Natural Resources, pursuant to Chapters 109 and 109A of the Code of Iowa.
6. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over, by any individual 18 years of age or older who (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 and (d) has applied for and received from the Clerk a permit to keep such animals, such application to be on a form approved by the Council.

(Subsections 5&6 - Ord. 2013-05 – June 13 Supp.)

55.24 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 55.25 of this chapter.

55.25 DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 55.24 of this chapter shall not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

55.26 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 55.21 of this chapter and said animal may be immediately seized anywhere within the City, in which case the Police Chief or designee 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.

(Ord. 2013-05 – June 13 Supp.)

55.27 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 Police Chief 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.

55.28 FIREARM PERMITS TO DESTROY OBNOXIOUS BIRDS. The Police Chief is authorized to grant a permit for the use of firearms within the city limits of the City 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 stated 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.

(Ord. 2013-05 – June 13 Supp.)

55.29 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-M 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.

55.30 REGULATION OF HORSES. It is unlawful for any person or persons 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 of the City of Harlan 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 of Harlan. 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 or other impermeable bag and sealing said bag by tying it securely using a "twist tie", tape, or similar device or otherwise dispose of the feces in a sanitary manner.

(Ord. 2013-05 – June 13 Supp.)

55.31 ANIMAL WASTE. It is unlawful for any person or persons who own, house, lead, walk, or otherwise maintain control of any animal or pet which defecate 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 or other impermeable bag and sealing said bag by tying it securely or 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.

(Ord. 2013-05 – June 13 Supp.)

55.32 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 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.