

**CHAPTER 36 – VICIOUS ANIMAL CONTROL AND
RABIES ORDINANCE
OF DUBUQUE COUNTY, IOWA**

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Table of Contents

	Page
Part 1 Introduction.....	4
36-1 Definitions.....	4
36-2 Abandonment of Animals.....	6
36-3 Adequate Care.....	6
36-4 Running at Large.....	6
36-5 Nuisance.....	6
36-6 Harassment/Unauthorized Release of Animals Prohibited.....	6
36-7 Harboring a Vicious Animal.....	6
36-8 Female Dogs & Companion Cats in Season.....	6
36-9 Resisting or Interfering with Animal Control Officers.....	7
36-10 Board of Supervisors Authority.....	7
36-11 Directing an Animal with Malicious Intent.....	7
36-12 Use of Dog in Illegal Activity Prohibited.....	7
36-13 License Required.....	7
36-14 Kennel License Required.....	7
36-15 through 36-20 Reserved	
Part 2 Rabies Control.....	8
36-21 Vaccinations Required.....	8
36-22 Report of Bites.....	8
36-23 Quarantine of Animals.....	9
36-24 Punishment for Harboring Known Rabid Dog, Cat or Other Domestic Animal...10	
36-25 Prohibited Actions after Board of Health Proclamation of Emergency.....	10
36-26 through 36-30 Reserved	
Part 3 License.....	11
36-31 Office Designated.....	11
36-32 Application.....	11
36-33 Dogs & Companion Cats - License Fee.....	11
36-34 Dogs & Companion Cats - Expiration; Renewal; Delinquent Fee.....	11

36-35	Issuance.....	11
36-36	Tags Not Transferable.....	11
36-37	Tags to be Attached	11
36-38	Fee for Duplicate.....	12
36-39	through 36-40	
	Part 4 Impoundment and Disposition of Animals.....	12
36-41	Impoundment and Redemption.....	12
36-42	Disposition of Animals	12
36-43	through 36-50	
	Part 5 Dangerous Animals.....	13
36-51	General Prohibition and Duty	13
36-52	Dangerous Animals at Large	13
36-53	Dogs or Cats Exempt	13
36-54	Keeping of Dangerous Animals Prohibited	13
36-55	Dangerous Animals, Exceptions.....	13
36-56	Seizure, Impoundment and Disposition of Dangerous Animals.....	13
36-57	through 36-60 Reserved	
	Part 6 Disposition of Diseased and Injured Animals	14
35-61	Disposition	14
36-62	through 36-70 Reserved	
	Part 7 Jurisdiction.....	14
35-71	Jurisdiction.....	14
36-72	Home Rule	14
36-73	Owner Responsibility.....	14
36-74	No Animals in Violation.....	14
36-75	through 36-80 Reserved	
	Part 8 Enforcement.....	15
36-81	Enforcement.....	15
36-82	through 36-90 Reserved	

Part 9 Penalties15

36-91 Infractions15

36-92 through 36-100 Reserved

Part 10 Variances15

36-101 Variances 15

36-102 through 36-110 Reserved

Part 11 Separability of Provisions and Repealer.....15

36-111 Validity 15

36-112 Conflicts 16

36-113 through 36-120 Reserved

Part 12 Enactment16

36-121 Enactment 16

**PART 1
INTRODUCTION**

- 36-1 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
- 36-1.1 **“Abandoned Animal”**.
a. An animal whose owner has left it without making reasonable arrangements to provide for its proper care, sustenance, shelter and medical care (i.e.: unattended for more than 24 hours without food or water, in need of medical care, etc.) and sustenance of life.
b. An animal released upon public highways or public or private lands without vesting possession in any person or any animal not being provided with adequate care.
- 36-1.2 **“Adequate Care”**. The provision of normal and prudent attention to the needs of an animal, to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, and veterinary medical attention in order to maintain an animal in a state of good health in a specific species of animal.
- 36-1.3 **“Animal”**. Any animal that is owned by a person.
- 36-1.4 **“Animal Control Agency”**. Any public or private agency delegated authority by the Board of Health to enforce portions of this ordinance; or any public or private agency designated by the state, county supervisors, or a municipality as their animal control agent.
- 36-1.5 **“Animal Control Officer”**. A designated employee of the Animal Control Agency.
- 36-1.6 **“At Large”**. Any animal found off the premises of the owner. An animal shall not be deemed at large if:
a. The animal is on the property of another with permission of the property owner or lessee, or on public lands in accordance with existing laws *and is accompanied by the owner or keeper*, or
b. The animal is on a leash or similar restraint and is under the control of the *owner/keeper*, or is off leash but under the direct supervision of the *owner/keeper* and is obedient to that responsible person’s command, and that person has in their possession a leash or similar restraint, or
c. The animal is confined within a secure enclosure, or
d. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or companion cat within the motor vehicle, or
e. The animal is engaged in sanctioned exhibitions or obedience classes, field trials or other recognized dog or companion cat competition.
f. Animals in the act of hunting which are under the control of the licensed

- owner or keeper; i.e. dogs used for hunting foxes, raccoons, pheasants, quail, ducks, geese, etc., or dogs used by law enforcement personnel.
- 36-1.7 **“Board of Health”**. The Dubuque County Board of Health.
- 36-1.8 **“Board of Supervisors**. The Dubuque County Board of Supervisors.
- 36-1.9 **“Companion Cat”**. A domesticated cat raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- 36-1.10 **“Dangerous Animal”**.
- a. Any animal which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among humans or domestic animals and having known tendencies as a species to do so;
- b. Any animal(s) declared to be dangerous by State Code, Chapter 717F
- 36-1.11 **“Dog”**. Male and female dogs.
- 36-1.12 **“Health Officer”**. The Director of Dubuque County Health Department and his/her designated agent.
- 36-1.13 **“Keeper”**. Any person other than the owner keeping, sheltering, having control or custody of or harboring a dog or companion cat.
- 36-1.14 **“Kennel”**. A place or establishment where dogs or companion cats are kept or raised for the purpose of breeding, boarding, training, racing at a licensed pari-mutual track, exchanged or offered for sale to the general public and which are kept under constant restraint.
- 36-1.15 **“Neutered”**. Shall refer to a surgical procedure that has been performed on a dog or companion cat that renders it incapable of siring or bearing offspring.
- 36-1.16 **“Nuisance**. Any animal shall be considered a nuisance if it:
- a. Damages, soils, defiles or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
- b. Causes unsanitary, dangerous or offensive conditions.
- c. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.
- 36-1.17 **“Owner”**. Any person confining, harboring, maintaining, owning, or sheltering an animal.
- 36-1.18 **“Potentially vicious animal”**. An animal that:
- a. When unprovoked, on two (2) separate occasions, has engaged in any behavior that has required a defensive action by any person to prevent bodily injury when the person and animal were off of the property of the owner or keeper of the animal; or
- b. When unprovoked, chases or approaches a person, an animal upon the streets, sidewalks, or any public or private property other than the property of the owner or keeper, in a menacing fashion or apparent attitude of attack.
- 36-1.19 **“Provocation”**. Threatening, teasing, or striking an animal, or striking the animal’s owner either on or off the animal owner’s property.

- 36-1.20 **“Reclaimed”**. Notice by the owner to the Animal Control Agency of ownership of an impounded animal.
- 36-1.21 **“Redemption”**. Payment of the impoundment fee to the Animal Control Agency for the fee assessed for animal impoundment.
- 36-1.22 **“Vicious Animal”**. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation and has a history of aggressive or menacing behavior or when an attack or bite results in serious bodily injury.
- 36-1.23 **“Unsanitary Conditions”**. When animal occupied space is not free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal’s health. This definition does not include a condition resulting from any customary and reasonable practice pursuant to farming or animal husbandry.
- 36-2 **ABANDONMENT OF ANIMALS**. It shall be unlawful for the owner or keeper of any animal to abandon it.
- 36-3 **ADEQUATE CARE**. It shall be unlawful for the owner or keeper of an animal to fail to provide adequate care. Violation of this provision may result in the impoundment of such animals found fitting of this description and the owner/keeper will be responsible for all costs associated for the boarding and/or medical care provided.
- 36-4 **RUNNING AT LARGE**. It shall be unlawful for any owner or keeper to permit or allow an animal to run at large.
- 36-5 **NUISANCE**. It shall be unlawful for any owner or keeper to permit an animal to commit a nuisance.
- 36-6 **HARASSMENT/UNAUTHORIZED RELEASE OF ANIMALS PROHIBITED**.
- 36-6.1 It shall be unlawful for a person to repeatedly or persistently tease, torment, agitate, or attack an animal owned by another person except when such action is deemed necessary to protect persons or their property from the animal.
- 36-6.2 No person, except the owner of an animal or his/her authorized agent, shall willfully open any gates, bars, doors, fences, partition, or any portion of a kennel, etc., on any private or public premises for the purpose of enticing or enabling the animal to leave such premises.
- 36-7 **HARBORING A VICIOUS ANIMAL**. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the county.
- 36-8 **FEMALE DOGS & COMPANION CATS IN SEASON**. It shall be

unlawful for any owner or keeper to allow a female dog or companion cat in season to run at large or to so confine such dog or companion cats as to attract male dogs or male companion cats to the area and by their presence cause a nuisance.

- 36-9 **RESISTING OR INTERFERING WITH ANIMAL CONTROL OFFICERS.** It is unlawful for any person to, in any way, interfere with the duty of an animal control officer. This includes physical or verbal abuse.
- 36-10 **BOARD OF SUPERVISORS AUTHORITY.** The Board of Supervisors are hereby authorized to contract from year-to-year with any pound or animal shelter as defined by Section 162.2 of the Code of Iowa for carrying out the provisions of this ordinance including the collection, protection, and disposition of dogs and the collection of fees for licensing and care of seized and impounded dogs.
- 36-11 **DIRECTING AN ANIMAL WITH MALICIOUS INTENT.** No person shall direct, encourage, cause, allow or otherwise aid or assist any animal to threaten, charge at, intimidate, bite, harass, menace, or attack any person.
- 36-12 **USE OF AN ANIMAL IN ILLEGAL ACTIVITY PROHIBITED.** No person shall keep, maintain, control or retain custody of any animal in conjunction with, or for the purpose, whether in whole or in part, of aiding, abetting, or conducting illegal activity or committing any crime.
- 36-13 **LICENSE REQUIRED.** No person shall keep a dog or companion cat in the County of Dubuque unless such dog or companion cat is licensed by the County as provided in this ordinance. This section shall not apply to veterinary clinics and the Humane Society.
- 36-14 **KENNEL LICENSE REQUIRED.**
- 36-14.1 No person shall operate a business as defined by the following categories without a license or certificate of registration issued by the Iowa Department of Agriculture and Land Stewardship (Chapter 162, Code of Iowa): commercial breeder, pet shop, boarding kennel, dealer, commercial kennel, privately owned pound: selling dogs or companion cats, public auction, animal shelter, pound.
- 36-14.2 Any person, organization or business conducting such business shall also register with the County and purchase a County Kennel License. The County shall be furnished with a copy of the license or certificate issued by the Iowa Department of Agriculture and Land Stewardship and a list of all animals and their vaccination records. The recipient of the license shall

be responsible for keeping current and accurate records of the animals in their care and provide such information to the designated County enforcement officials as requested.

36-14.3 A licensed veterinarian, veterinary clinic or humane society/shelter shall be exempt from this provision in the conduct of their regular business.

36-15 through 36-20 Reserved

PART 2 RABIES CONTROL

36-21 **VACCINATIONS REQUIRED.**

36-21.1 Every owner of a dog or companion cat shall obtain a rabies vaccination for such animal in accordance with the Compendium of Animals Rabies Control as compiled by the National Association of State Public Health Veterinarians, Inc. It shall be a violation of this chapter for any person to own or have a dog or companion cat in the person's possession, three (3) months of age or over, which has not been vaccinated against rabies.

36-21.2 Dogs and companion cats shall be vaccinated against rabies by a licensed veterinarian with a vaccine Approved by the Iowa Department of Agriculture and administered in accordance with the following schedule:

<u>Class of Animal</u>	<u>Age At Vaccination (Months)</u>	<u>Primary Booster</u>
Dogs/Companion Cats	4 Months	1-Year Later, Triennially thereafter

36-21.3 Inactivated nervous tissue vaccine may only be used in accordance with the Rules of the Iowa State Department of Agriculture.

36-21.4 A copy of the official rabies vaccination certificate approved by the Iowa State Department of Agriculture shall be a condition precedent to the issuance of any license authorized by this ordinance.

36-21.5 Each veterinarian within the County shall forward to the Health Department Office no later than the 10th of each month a copy of each official rabies vaccination certificate issued by the veterinarian during the preceding month.

36-22 **REPORT OF BITES**

- 36-22.1 It shall be the duty of any physician or veterinarian immediately to transmit information to the health officer that may come to such physician or veterinarian through such physician's or veterinarian's professional capacity with reference to any person having been attacked, bitten or having skin abrasions by any dog, companion cat, or other domestic animal.
- 36-22.2 Every veterinarian shall report to the health officer any diagnosis of rabies. Every veterinarian shall report to the health officer the name and address of the owner of any animals treated for bites inflicted by another animal.
- 36-22.3 It shall be the duty of the owner or keeper of any dog or companion cat or other domesticated animal that has attacked, bitten or caused any skin abrasion upon any person to report such incident to the health officer.

36-23 QUARANTINE OF ANIMALS

- 36-23.1 An owner whose animal is suspected of having rabies or other disease communicable to humans, or which has bitten a person shall place the animal in isolation under quarantine under the direction of the health officer for ten (10) days. In the event the animal has had a current rabies vaccination, *and a current County license*, the health officer may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had a current rabies vaccination, or if it is unknown whether the vaccination is current and evidence is not produced satisfactory to the Health Officer that the vaccination is current, if there is no current County license, or for any other reason that the health officer so determines, the animal shall be quarantined at the Dubuque Humane Society or a licensed veterinary hospital. The owner shall pay all costs of such confinement. To be eligible for confinement at home, the following must be met:
- a The animal must have a current County license if the animal is three (3) months of age or older;
 - b The animal must not have been running at large at the time of the bite;
 - c The animal has not previously bitten any person;
 - d The owner or keeper must have the animal examined by a veterinarian, licensed in the State of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. Such examination and certification must be completed at the beginning of the 10-day confinement and must be repeated on the 10th day.
 - e The owner or keeper must demonstrate to the satisfaction of the health officer that the owner or keeper has the proper facilities and the ability to adequately and properly confine the animal to the owner or keeper's home or property during the quarantine period.
 - f The owner or keeper must agree to immediately notify the health officer of any changes in the animal's health or disposition, to allow representatives of the health services division to enter upon the property and to examine the animal at any time and to immediately take the animal to a licensed veterinarian for examination at any time when directed by the health officer.

- g The owner or keeper must agree to promptly pay all costs of veterinarian examinations during the quarantine period.
 - h The owner or keeper must further agree to immediately surrender the animal at any time the health officer determines that the home quarantine should be terminated, or at any time that any provisions or conditions of home quarantine are violated, in which event the animal shall be put in the custody of a licensed veterinarian of the State of Iowa in the County of Dubuque for the remainder of the quarantine period.
 - I If the health officer determines at any time that home confinement is not appropriate for the animal, quarantine at a veterinary hospital shall be ordered.
- 36-23.2 Unvaccinated dogs or companion cats exposed to a rabid animal may be euthanized immediately. If the owner is unwilling to have this done the animal must be placed in strict isolation for six (6) months and revaccinated one (1) month before being released. Animals with expired vaccinations will be evaluated on a case-by-case basis.
- 36-23.3 When an animal that has bitten is suspected of rabies, the health officer may order the animal to be euthanized and tested for the presence of rabies virus.
- 36-23.4 If an undomesticated or wild animal such as a skunk, bat, fox, raccoon or other carnivore bites a person, whether or not the animal's owner or keeper is known, the animal shall be humanely destroyed and examined for rabies immediately.
- 36-24 **PUNISHMENT FOR HARBORING KNOWN RABID DOG, COMPANION CAT OR OTHER DOMESTIC ANIMAL.** Any person or keeper who shall knowingly harbor or keep any dog or other animal infected with rabies, or with knowledge that their animal was bitten by a rabid animal, fails to report such incident to the health services division or police, shall be penalized as provided in Part 9 of this Ordinance.
- 36-25 **PROHIBITED ACTIONS AFTER BOARD OF HEALTH PROCLAMATION OF EMERGENCY**
- 36-25.1 When the Board of Health, pursuant to resolution of the Dubuque County Board of Supervisors, shall declare an emergency due to rabies:
- a It shall be unlawful for the owner of any dog, companion cat, or other domestic animal to permit such animal to be at large. Any dog or domesticated animal found to be at large shall be deemed to be so with the permission or at the sufferance of its owner.
 - b It shall be unlawful for any person except the owner of a dog, companion cat, or other domestic animal, or owner's agent to open any door or gate of any private premises for the purpose or result of setting such animal at large.
 - c Any licensed or unlicensed dog or companion cat found at large shall be impounded by the Humane Society or law enforcement officer's office.

36-26 through 36-30 Reserved

**PART 3
LICENSE**

- 36-31 OFFICE DESIGNATED. The Dubuque County Treasurer/Dubuque County Health Department is designated as the official agent for the purpose of issuing County dog and companion cat licenses and collecting fees.
- 36-32 APPLICATION. The owner shall make application for a license at the Dubuque County Treasurer's Office. The forms shall give the name, address, and social security number of the owner, the sex and description of the dog and companion cat and, if known, its breed and age. In the event of a change in ownership or death of the pet or owner change of address, the license holder shall notify the Dubuque County Treasurer or the Dubuque County Health Department of such change. All dogs and companion cats must be licensed at three (3) months of age.
- 36-33 DOGS & COMPANION CATS – LICENSE FEE
- 36-33.1 The license fee per calendar year, or fraction thereof, for a dog or companion cat license shall be twelve dollars (\$12.00) for each neutered dog and companion cat and thirty dollars (\$30.00) for each dog and companion cat not neutered.
- 36-33.2 The applicant or licensee shall furnish written proof from a licensed veterinarian that surgical procedures have been performed that renders either male or female dogs or companion cats incapable of reproduction.
- 36-34 DOGS & COMPANION CATS – EXPIRATION; RENEWAL;
DELINQUENT FEE: All dog and companion cat licenses issued under this division shall expire on December 31st of the year in which issued and shall become delinquent on March 1st of the year due. A penalty of ten dollars (\$10.00) shall be added to the required license fee for each delinquent dog or companion cat license.
- 36-35 ISSUANCE – The Dubuque County Board of Supervisors or a contracted service shall issue dog licenses upon proper application and payment of the fee provided in this division.
- 36-36 TAGS NOT TRANSFERABLE – A license issued for any dog or companion cat shall not be transferred to another dog or companion cat.

36-37 TAGS TO BE ATTACHED

36-37.1 The applicant for a dog or companion cat license, upon procurement of the license, shall securely attach the license tag to a collar or harness and this collar or harness, with the tag attached, shall at all times be kept on the dog or companion cat.

36-37.2 Every dog or companion cat which is outside of the owner's dwelling and not wearing a collar with a valid county license tag attached to the collar shall not be deemed property. These animals may be apprehended.

36-38 FEE FOR DUPLICATE – The fee for a duplicate license for a dog or companion cat shall be two dollars fifty cents (\$2.50).

36-39 through 36-40 Reserved

**PART 4
IMPOUNDMENT AND DISPOSITION OF ANIMALS**

36-41 IMPOUNDMENT AND REDEMPTION

36-41.1 Any unlicensed or licensed dog or companion cat found at large shall be subject to seizure and impoundment in a place provided by the County.

36-41.2 Any animal control officer or police officer in the County, while on duty, who finds an animal in a motor vehicle under such conditions as may endanger the health or well-being of such animal due to heat, cold, lack of food or drink or such other circumstances as may be reasonably expected to cause suffering, disability or death is authorized to use reasonable force to remove the animal from the vehicle.

36-41.3 Notice of the removal of the animal to the owner, disposition of the animal and charges for the cost of care and shelter shall be made, as nearly as possible, in the manner prescribed in Section 36-23.

36-41.4 An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

36-41.5 Redemption: Except as otherwise provided, the possession of any licensed dog or companion cat seized or impounded pursuant to this ordinance may be obtained by the owner by paying all applicable fees.

36-41.6 Upon proper identification the owner may redeem an unlicensed dog or companion cat seized or impounded pursuant to this ordinance only after paying the license fee in addition the charges required by subsection 36-41.5 of this section.

36-42 DISPOSITION OF ANIMALS

36-42.1 If the owner is unknown an impounded animal shall be kept a minimum of three (3) business days (Monday-Friday, except holidays), and thereafter may

be adopted or humanely destroyed.

- 36-42.2 If the owner of a licensed dog or companion cat has not reclaimed and redeemed an impounded animal within three (3) business days, the owner will then be sent notice by registered mail to their last known address that the impounded animal will be put up for adoption or humanely destroyed within fifteen (15) days of the date of the notice. If the owner has not reclaimed and redeemed the animal within said fifteen-day period, the animal thereafter may be adopted or humanely destroyed.

36-43 through 36-50 Reserved

PART 5 DANGEROUS ANIMALS

- 36-51 **GENERAL PROHIBITION AND DUTY:** No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement and impoundment, whether confinement or impoundment be upon such person's property or that of another by opening any gate, door or window or making any opening of any fence, enclosure or structure by unleashing such animal.
- 36-52 **DANGEROUS ANIMALS AT-LARGE:** In the event that a dangerous animal is found at-large upon public property or the property of someone other than the owner, such animal may, at the discretion of the Health Services Officer, be destroyed if it cannot be confined or captured.
- 36-53 **DOGS OR CATS EXEMPT:** The provisions of Part 5 shall not apply to domestic dogs or cats.
- 36-54 **KEEPING OF DANGEROUS ANIMALS PROHIBITED:** No person shall keep, shelter, or harbor for any purpose within the County a dangerous animal except as provided in State of Iowa Code, Section 717F.1.
- 36-55 **DANGEROUS ANIMALS, EXCEPTIONS:**
See State of Iowa Code, Section 717F.1 – Regulating Dangerous Animals
- 36-56 **SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS** See State of Iowa Code, Section 717F.1 – Regulating Dangerous Animals

36-57 through 36-60 Reserved

PART 6
DISPOSITION OF DISEASED AND INJURED ANIMALS

36-61 **DISPOSITION:** The Health Officer may have a diseased or injured animal found at large euthanized or impounded. Impounded animals that contract disease or diseases may be euthanized. If the applicable time periods set out in Part 4 have not expired, an animal shall not be euthanized unless it is first examined by a licensed veterinarian and the veterinarian determines that euthanization is required. If the owner of the animal is known or determined every reasonable effort will be made to notify the owner before euthanizing. If contacted the owner's request regarding the disposition of the animal will be honored unless the Health Officer determines it is inhumane to the animal.

36-62 through 36-70 Reserved

PART 7
JURISDICTION

36-71 **JURISDICTION:** The provisions of this ordinance shall apply throughout the unincorporated areas of Dubuque County, Iowa, and any municipalities that have not enacted municipal ordinances regulating animal control or rabies vaccinations of dogs.

36-72 **HOME RULE:** Nothing in this ordinance is intended or shall be construed to limit the right of any municipality in the county in the exercise of its home rule authority or in the exercise of powers under any other provisions to enact rules to regulate and control animals within the boundaries of its jurisdiction.

36-73 **OWNER RESPONSIBILITY:** Nothing in this ordinance releases the keeper of an animal from the responsibility of obtaining all federal, state, county or city permits and/or licenses required for keeping such an animal.

36-74 **NO ANIMALS IN VIOLATION:** Nothing in this ordinance allows any person the right to keep any animal in violation of any federal, state, county or city law.

36-75 through 36-80 Reserved

**PART 8
ENFORCEMENT**

36-81 ENFORCEMENT: It shall be the duty of the Health Officer to enforce provisions of this ordinance, and this duty may be delegated to his/her authorized representative. The Board of Health is authorized to enter into contracts with any person to enforce portions of this ordinance.

36-82 through 36-90 Reserved

**PART 9
PENALTIES**

36-91 INFRACTIONS: In addition to and without prejudice to the remedies contained herein, violation of the provisions of this ordinance or failure to comply with any of its requirements shall be a civil infraction under Iowa Code Section 331.307.

36-92 through 36-100 Reserved

**PART 10
VARIANCES**

36-101 VARIANCES: Variances to the requirements of this ordinance may be granted by the Dubuque County Board of Health upon recommendation by a licensed veterinarian provided sufficient information is submitted to substantiate the need for such action. Applications for variances and justification shall be in writing and copies filed with the Dubuque County Board of Health.

36-102 through 36-110 Reserved

**PART 11
SEPARABILITY OF PROVISIONS AND REPEALER**

36-111 VALIDITY: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this

ordinance.

36-112 CONFLICTS: This ordinance repeals all resolutions, ordinances, or regulations and parts of resolutions, ordinances, and regulations in conflict within.

36-113 through 36-120 Reserved

**PART 12
ENACTMENT**

36-121 EFFECTIVE DATE: This ordinance shall be in effect after its final passage, approval and publication as provided by law.