

ORDINANCE NO. 14

**AN ORDINANCE PROHIBITING THE KEEPING OF PIT BULL DOGS AND DOBERMAN PINSCHER DOGS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE, AND REGULATING PIT BULL DOGS AND DOBERMAN PINSCHER DOGS WITHIN DAVIS COUNTY AS OF THE EFFECTIVE DATE OF THIS ORDINANCE.**

Be it Enacted by the Board of Supervisors of Davis County, Iowa.

**KEEPING OF PIT BULL AND DOBERMAN PINSCHER DOGS**

SECTION 1. **PURPOSE.** In order to protect the health, safety and welfare of the residents and citizens of Davis County, Iowa does hereby enact the following provisions.

SECTION 2. **KEEPING PROHIBITED.** It shall be unlawful to keep, harbor, own or in any way possess within the county limits of Davis County, Iowa any pit bull dogs or doberman pinscher dogs; provided, that the pit bull dogs or doberman pinscher dogs located within Davis County on or before the 6 day of Jan., 2003 may be kept within the county subject to the standards and requirements set forth in Section 5 of this Ordinance.

SECTION 3. **DEFINITION.** "Pit Bull Dog" is defined to mean:

- (a) the bull terrier breed of dog;
- (b) the Staffordshire bull terrier breed of dog;
- (c) the American pit bull terrier breed of dog;
- (d) the American Staffordshire terrier breed of dog;
- (e) any dog that is of mixed breed and has as an element of such breeding any of the aforementioned breeds of pit bull dogs and possessing the characteristics of such breeds; or
- (f) any dog which has the appearance and characteristics of being predominately of the breeds to bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier.

SECTION 4. **DEFINITION.** "Doberman Pinscher Dog" is defined to mean:

- (a) the doberman pinscher breed of dog;
- (b) any dog that is of mixed breed and has as an element of such breeding the doberman pinscher breed of dog and possessing the characteristics of such dogs; or
- (c) any dog which has the appearance and characteristics of being predominantly of the breeds of doberman pinscher or doberman pinscher dogs; but
- (d) miniature doberman pinscher dog breeds are excepted from the conditions of this ordinance.

**SECTION 5. REGULATIONS FOR THE KEEPING OF PIT BULLS OR DOBERMAN PINSCHER DOGS.** The provisions of Section 2 of this Ordinance are not applicable to owners, keepers or harborers of pit bull dogs or doberman pinscher dogs located within Davis County, Iowa on or before the 6 day of Jan, 2003, the effective date of this Ordinance. The keeping of such dogs, however, shall be subject to the following standards:

1. **LEASH AND MUZZLE.** No person shall permit a pit bull dog or doberman pinscher dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog or doberman pinscher dog to be kept on a chain, rope or other type of lease outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs or doberman pinscher dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. **CONFINEMENT.** All pit bull dogs or doberman pinscher dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs or doberman pinscher dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor 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. All structures erected to house pit bull dogs or doberman pinscher dogs must comply with all zoning and building regulations of the County. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. **CONFINEMENT INDOORS.** No pit bull dog or doberman pinscher dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. **SIGNS.** All owners, keepers or harborers of pit bull dogs or doberman pinscher dogs within the County shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animals.
5. **INSURANCE.** All owners, keepers or harborers of pit bull dogs or doberman pinscher dogs must within ten (10) days of the effective date of this Ordinance provide proof to the Davis County Auditor of public liability insurance in a single incident amount of \$ 150,000.00 for bodily injury to or death of any person or

persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Davis County Auditor's office.

6. **REPORTING REQUIREMENTS.** All owners, keepers or harborers of pit bull dogs or doberman pinscher dogs must within ten (10) days of the effective date of this ordinance report the following information in writing to the Davis County Auditor as required hereinafter:

- (a) The address and number of all pit bull or doberman pinscher dogs located within Davis County
- (b) The removal from the County or death of a pit bull dog or doberman pinscher dog;
- (c) The birth of offspring of a pit bull dog or doberman pinscher dog, including the address of the offspring and the number of offspring;
- (d) The new address of a pit bull dog or doberman pinscher dog owner should the owner move within the County limits.

7. **ANIMALS BORN OF DOGS.** All offspring born of pit bull dogs or doberman pinscher dogs within Davis County are subject to all of the provisions of this Ordinance.

8. **PRESUMPTIONS.** There shall be an irrebuttable presumption that any dog within Davis County as a pit bull dog or doberman pinscher dog or any of those breeds prohibited by Sections 3 and 4 of this Ordinance is in fact a dog subject to the requirements of this Section. Any pit bull dog or doberman pinscher dog found within the county that is not reported to the Davis County Auditor's Office is subject to a rebuttable presumption that the dog is being held in violation of this Ordinance and subject to all the penalties defined in Section 6 of this Ordinance. This presumption may only be overcome by clear and convincing evidence that the pit bull dog or doberman pinscher dog is less than ten (10) days old and that the owner intended to report such dog to the County Auditor's Office.

9. **FAILURE TO COMPLY.** It shall be unlawful for the owner, keeper or harbinger of a pit bull or doberman pinscher dog to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the immediate removal of the animal from the County.

**SECTION 6. VIOLATIONS AND PENALTIES.** Any person violating or permitting the violation of any provision of this Ordinance shall upon conviction in Magistrate Court be fined a sum not more than \$100.00 or the Court may sentence the Defendant to imprisonment in the Davis County jail for a period not to exceed thirty (30) days. In addition the Court shall order the pit bull or doberman pinscher dog removed from Davis County. Should the

Defendant refuse to remove the dog from Davis County, the Magistrate shall find the Defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance. This Ordinance does not exclude the owner of a pit bull or doberman pinscher dog from penalties and liabilities arising under other laws of Davis County, excepting conflicting ordinances as provided in Section 8, or under the laws of the State of Iowa.

**SECTION 7. ENFORCEMENT OF ORDINANCE.** The Davis County Sheriff and/or his designees shall be responsible for the enforcement of this Ordinance, including but not limited to, the determination of whether a particular dog falls within the scope of this Ordinance. However:

(1) The Davis County Board of Supervisors may contract with another governmental entity or a nonprofit or not for pecuniary profit organization to operate the city pound for the purpose of impounding animals as required by this chapter, which said contract may provide for the delegation of such of the powers and duties herein granted to the chief of police as the city council deems necessary to carry out the purposes of this chapter.

(2) The Sheriff may appoint community service officers who shall assist in enforcing the provisions of this chapter and perform such other duties as is required. A community service officer shall have law enforcement powers necessary to discharge the duties of this chapter and to enforce its provisions.

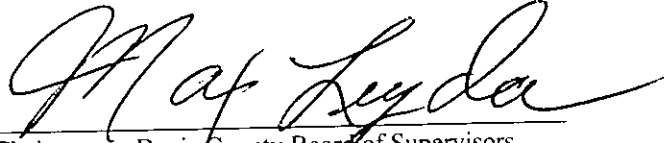
**SECTION 8. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 9. REPEALER.** Any ordinance or part of an ordinance in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Davis County Board of Supervisors on the 6 day of Jan, 2003.

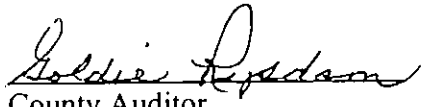
DAVIS COUNTY BOARD OF SUPERVISORS

  
Chairperson, Davis County Board of Supervisors

  
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Member, Davis County Board of Supervisors

  
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Member, Davis County Board of Supervisors

ATTEST:

  
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County Auditor