



# **Iowa Rabies Exposure Assessment Tree**

**Prepared by**



**Scott County Health Department**

**Updated**

**February 10, 2012**

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## **Attachments**

- Attachment 1:  
State, County, and City Codes related to Animal Control



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February 10, 2012

To: Scott County Care Providers

From: Dr. Louis Katz   
Medical Director  
Scott County Health Department

RE: Rabies Risk Assessment Guide

In 2010, twenty-seven animals in Iowa tested positive for rabies. In Scott County, fifty-nine rabies risk assessments were completed for victims for animal bites or bats exposures. Following Centers for Disease Control and Prevention guidelines, post-exposure prophylaxis (PEP) is recommended if the victim is deemed to be at risk for rabies. Rabies is almost always fatal and PEP for the victim is an urgent matter. To expedite and unify post-exposure prophylaxis, it is imperative we are all able to recognize possible rabies risk exposures and follow the recommendations for the Iowa Department of Public Health and Centers for Disease Control and Prevention.

The Scott County Health department has compiled the enclosed assessment guide, *Iowa Rabies Exposure Tree* for your use. This concise guide defines exposure, summarizes wound management, gives animal observation recommendations, has frequently asked questions, important phone numbers, a special algorithm for bat exposures, post-exposure prophylaxis information and the 2011 MMWR Compendium of Animal Rabies Prevention and Control.

**Iowa law requires any person with knowledge of an animal bite or attack to report it. Providers are responsible to report animal bites and/or non-bite exposures for their patients** by calling Scott County Animal Control at 563-388-6655, 8:00a.m.-7:00p.m. Monday –Friday and 8:00a.m.-5:00p.m. Saturday and Sunday. If you have questions or need assistance with rabies risk assessment, call the Scott County Health Department at 563-326-8618 Monday-Friday. If you need to speak with Scott County Health Department staff after hours, please call the number above and follow the prompts.

Enc: *Iowa Rabies Exposure Tree*

# Recommendations for Managing Human Rabies Exposure\*

For **Bat** Exposures see *Rabies Exposure Management for Bat-related Incidents Flow Chart*, available at [www.idph.state.ia.us/adper/common/pdf/cade/rabies\\_exposure\\_bats.pdf](http://www.idph.state.ia.us/adper/common/pdf/cade/rabies_exposure_bats.pdf)



Animal Species	Situation	Rabies Post Exposure Prophylaxis (PEP) Recommendations
<b>Dogs, cats, ferrets</b>	Animal available for testing or 10 day confinement and observation	If the animal is exhibiting symptoms consistent with rabies, immediately euthanize and test. If the animal is not exhibiting symptoms, a 10 day confinement period can be instituted. If the animal exhibits signs of rabies during the 10 day confinement period, it should be euthanized immediately and tested. If results are positive, unsuitable or indeterminate administer PEP immediately. If the animal does not exhibit clinical signs during the 10 day confinement period, PEP is not recommended, since the animal was not excreting virus at the time of the bite or saliva exposure.
	Animal unavailable (waiting up to 72 hours to capture the animal may be reasonable, assuming the correct animal can be identified)	If the animal is not available for confinement or testing, administer PEP. (If the animal is captured later contact IDPH at 800-362-2736.)
<b>Horses or other farm animals</b>	If the animal exhibits signs of rabies or dies suddenly, test the animal for rabies.	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate, administer PEP.
	All other cases, contact IDPH for guidance.	Contact IDPH at 800-362-2736 during business hours or 515-323-4360 after hours.
<b>Skunk, raccoon, fox, coyote</b>	Euthanize and test animal	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate administer PEP.
	Animal unavailable for testing	Administer PEP immediately.
<b>Large rodents: such as beavers, muskrats, or groundhogs</b>	Euthanize and test animal	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate administer PEP.
	Animal unavailable for testing	Contact IDPH for consultation at 800-362-2736 during business hours or 515-323-4360 after hours.
<b>Small rodent: such as squirrels, hamsters, guinea pigs, gerbils, chipmunks, rats, mice, rabbits, or opossum</b>	Provoked bite and animal behaving normal	No PEP is recommended, as these species almost never carry rabies.
	Unprovoked bite or animal behaving abnormal	Contact IDPH for consultation at 800-362-2736 during business hours or 515-323-4360 after hours.

\* **Exposure:** a bite or saliva/nervous tissue contact to an open wound or mucous membrane

**NOTE:** If the patient was **bitten above the shoulders**, IDPH recommends that the health care provider consider starting PEP immediately. PEP can be discontinued if the animal tests negative for rabies or is healthy at the end of the quarantine period.

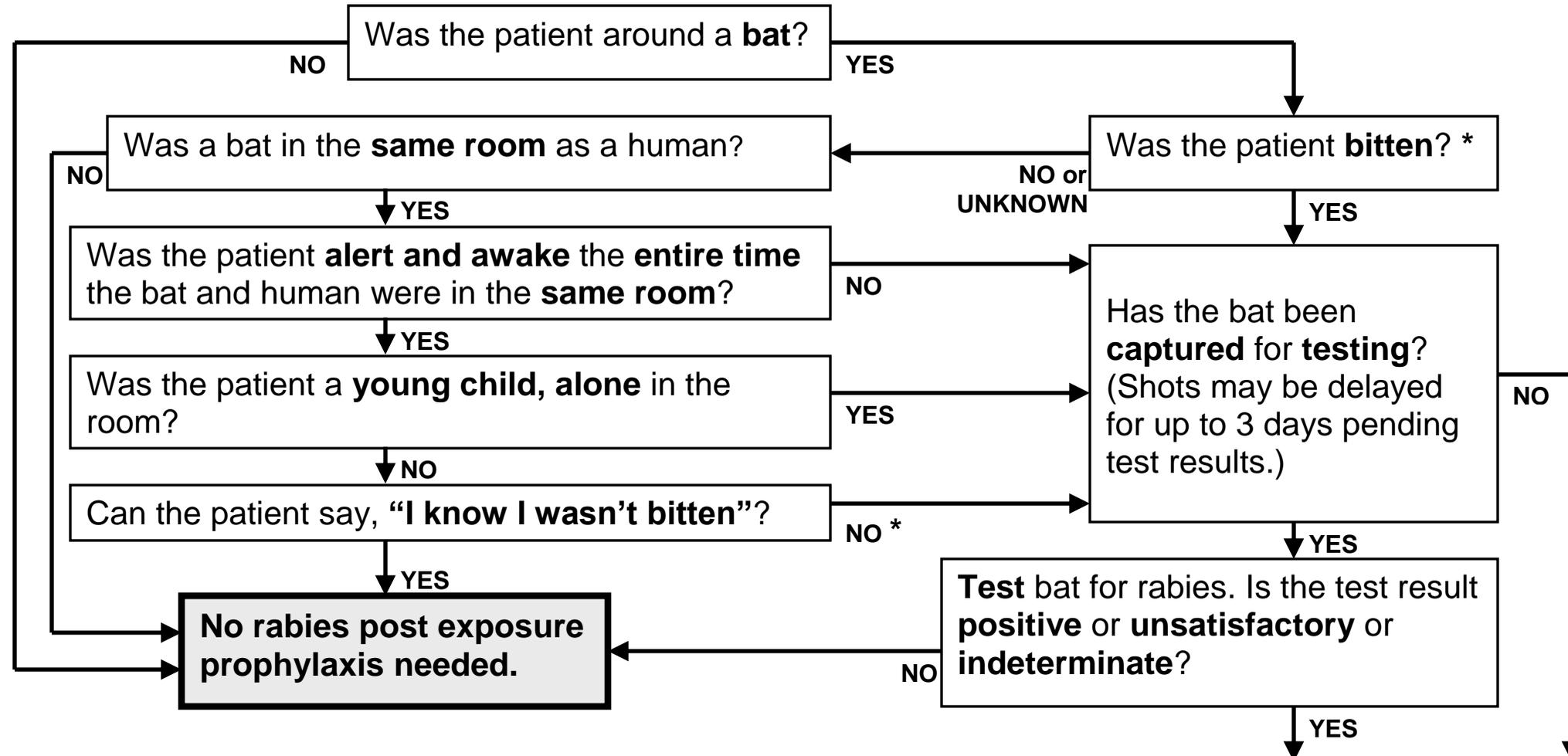
Thoroughly wash all wounds with soap and water and, if available, flush with povidone iodine solution (or other virucidal solution). Evaluate tetanus vaccination status, update if needed.

**If questions arise on any of the above information or circumstances related to the exposure are unusual, please contact IDPH for consultation at 800-362-2736 during business hours or 515-323-4360 after hours.**

For additional information, visit [www.idph.state.ia.us/adper/rabies.asp](http://www.idph.state.ia.us/adper/rabies.asp).

(Updated 5/21/2010)

# Rabies Exposure Management for Bat-related Incidents (FAQ's on reverse)



\* Thoroughly wash any wounds with soap and water and, if available, flush with povidone iodine solution (or other virucidal solution). Evaluate tetanus vaccination status, update if needed.

Administer rabies post exposure prophylaxis (PEP): Human Rabies Immune-Globulin (HRIG) on day 0, plus a series of Human Rabies Vaccines (HRV) on days 0, 3, 7, and 14 (immune compromised patients should receive a 5<sup>th</sup> dose on day 28 and subsequent titer check).



Iowa Department of Public Health, Center for Acute Disease Epidemiology (CADE)  
 Business hours consultations: 800-362-2736 After hours consultations: 515-323-4360

## **RABIES EXPOSURE MANAGEMENT FREQUENTLY ASKED QUESTIONS (FAQs)**

### **What constitutes an exposure?**

- There was a bite from an animal to a human.
- There was saliva/neural tissue contact from an animal to a human's open cut or mucous membrane.
- A bat is found in the same room with a sleeping person, an unattended child, an intoxicated person, or anyone unable to confirm that they were NOT bitten.

### **What is not an exposure?**

- Other contact, such as contact with blood, urine, skunk spray, or feces, does not constitute an exposure and is not an indication for prophylaxis.

### **There was a bat in my house. Should my family get rabies post exposure prophylaxis?**

Family members need prophylaxis if EXPOSED (see above) AND

- the bat was tested and found to be rabies positive, indeterminate, or unsatisfactory to test, or
- the bat was not caught and therefore cannot be tested.

### **What if a patient can't / doesn't adhere to the rabies post exposure vaccination schedule?**

- The effectiveness of the rabies vaccines may be compromised if the recommended vaccination schedule is not followed. EVERY EFFORT should be made to administer the vaccines in accordance with the recommended schedule. If a rabies vaccine has been missed, the schedule should resume with the dose missed (i.e., If day 7 vaccine is missed (3<sup>rd</sup> dose), administer a vaccine today and call this vaccination the "day 7" (3<sup>rd</sup> dose) vaccination. The next vaccine (4<sup>th</sup> dose) would be given in 7 more days on "day 14", in keeping with the remainder of the 0, 3, 7, 14 day schedule. Immune compromised patients will need a 5<sup>th</sup> dose of vaccine 14 days later on "day 28" and will also need a subsequent titer check. Contact CADE, (800) 362-2736 for additional consultation.

### **I can't exclude bats from my house, should I get pre exposure prophylaxis?**

- If bats are found routinely inside the home and the house cannot be "bat proofed", consult your health care provider to consider pre exposure vaccination.
- Patients who have received pre exposure prophylaxis will still need two human rabies vaccines (day 0 and 3) after subsequent rabies exposures.

### **If a person previously vaccinated with Human Rabies Vaccine is exposed to a rabid animal, what is required for post exposure prophylaxis?**

- Persons with previous rabies vaccination [completed series of the three vaccine pre exposure prophylaxis or the series of four/five vaccines and Human Rabies Immune Globulin post exposure prophylaxis (using Human Diploid Cell Vaccine, Rabies Vaccine Adsorbed, or Purified Chick Embryo Vaccines)], should receive two doses of rabies vaccine on days 0 and 3. The person does not need Human Rabies Immune Globulin.
- Persons previously vaccinated with a rabies vaccination regimen NOT LISTED ABOVE should receive full post exposure prophylaxis unless they have a documented rabies antibody titer (corresponding to complete neutralization dilution of 1:5 or greater by RFFIT testing). Persons with a documented antibody titer should receive two doses of rabies vaccine on days 0 and 3.

### **Where can I find Human Rabies Immune Globulin (HRIG) and Human Rabies Vaccine (HRV)?**

- Hospitals, especially the larger hospitals, across Iowa carry Human Rabies Immune Globulin and Human Rabies Vaccine.
- If you need to order Human Rabies Immune Globulin (HRIG) or Human Rabies Vaccine (HRV), contact the following manufacturers:

<b>Imogam Rabies (HRIG)</b>	<b>Hyperab (HRIG)</b>	<b>Imovax (HRV)</b>	<b>RabAvert (HRV)</b>
sanofi pasteur	Talecris	sanofi pasteur	Novartis
800-822-2463	800-243-4153	human diploid cell vaccine	purified chick embryo cell culture
		800-822-2463	877-683-4732

### **How do I get an animal tested for rabies?**

Animals can be tested for rabies at one of the following laboratories:

	<b>University Hygienic Laboratory (UHL)</b>	<b>Iowa State University Veterinary Diagnostic Laboratory (VDL)</b>
<b>Address</b>	102 Oakdale Campus H101 OH Oakdale Campus, Iowa City, IA 52242 800-421-4692 (call first)	600 S. 16 <sup>th</sup> Street Ames, IA 50011 515-294-1950 (call first)
<b>Web instructions</b>	<a href="http://www.uhl.uiowa.edu/kitsquotesforms/rabies_slip.pdf">www.uhl.uiowa.edu/kitsquotesforms/rabies_slip.pdf</a>	<a href="http://www.vetmed.iastate.edu/departments/vdpam/vdl.aspx?id=2122#rabies_specimens">www.vetmed.iastate.edu/departments/vdpam/vdl.aspx?id=2122#rabies_specimens</a>
<b>Submissions</b>	Submit the whole (dead) animal if it is bat-sized or mouse-sized. Submit the HEAD ONLY if animal is larger than a bat/mouse (should be removed by veterinarian). Live bats are accepted when container labeled "LIVE BAT."	Whole (dead) animal submissions are preferred. Heads of larger animals are accepted (removed by veterinarian, removal instructions on VDL Web site). Occasional live animal submissions are accepted with prior approval. There is a fee for euthanasia.
<b>Results</b>	UHL Rabies Test Request Form is required (Available from the UHL Web site). Results are reported ONLY to the physician or veterinarian listed on submission form. Testing is performed 7 days/week. Results (except negatives) phoned to physician/veterinarian.	VDL Rabies Examination Submission Form is required. (Available from the VDL Web site.) Note if a human exposure has occurred for prompt testing. Results are reported to the submitter listed on the submission form. Testing performed M-F (after-hrs testing on approval, only if human exposure). Results phoned to submitter.
<b>Packaging</b>	Double bag the specimen to prevent leaking. Package the specimen with ice or refrigerant packs. DO NOT FREEZE THE SPECIMEN. If bat is alive, label the package "LIVE BAT."	Use a leak-proof container with refrigerant packs. Package the specimen with refrigerant packs. DO NOT FREEZE THE SPECIMEN. Label the package "RABIES SUSPECT."
<b>Transport</b>	Private carrier (patient, relative, or designee) drives the sample and completed form to UHL. Overnight commercial carrier (Fed EX preferred) transports properly packaged sample (dead animals only) and completed form.	Private carrier (patient, relative, or designee) drives the sample and completed form to VDL or An overnight commercial carrier (FedEX, UPS, etc.) transports the sample properly packaged sample and completed form to VDL.
<b>After hours drop off</b>	University of Iowa Hospitals and Clinics (UIHC) Emergency Room will receive after hours samples. Remain in ER until specimen is properly received by ER staff.	Call after hours staff at 515-290-1969 prior to submission for proper drop-off instructions. Dead animals are preferred. There is a fee for euthanasia.
<b>Charge for testing?</b>	There is no charge for testing if there has been a human exposure (exposure definition above).	Yes. Please note if human exposure has occurred to ensure prompt testing.

## **RABIES: Frequently Asked Questions**

### ***For the Human and Animal Health Communities***

- IDPH provides general recommendations for rabies post exposure prophylaxis (treatment) based upon nationally accepted guidance. However, the decision of whether to administer post exposure prophylaxis (treatment) should be made on a case by case basis by the patient and their health care provider.
- IDPH is available for rabies consultation: call 800-362-2736 during business hours and 515-323-4360 after hours (Iowa State Patrol will contact the IDPH person on call).

#### **1) Patient reports finding bats in their home on multiple occasions.**

- Assess the risk of exposure and treat accordingly. Refer to the "Rabies Exposure Management for Bat-related Incidents Flowchart" available on the rabies page of the IDPH website.  
[www.idph.state.ia.us/adper/common/pdf/cade/rabies\\_exposure\\_bats.pdf](http://www.idph.state.ia.us/adper/common/pdf/cade/rabies_exposure_bats.pdf)
- Recommend bat proofing the home
  - Iowa DNR licenses nuisance wildlife control operators. Some of these operators specialize in bat proofing. Link to licensed operators:  
[www.iowadnr.com/license/nwco.html](http://www.iowadnr.com/license/nwco.html)
- If bat proofing is not effective, pre-exposure vaccination could be considered. Ensure that patients understand even with pre-exposure vaccination, if they are exposed to a potentially rabid animal they will need 2 booster vaccinations (on days 0 and 3).

#### **2) Patient has recently completed the rabies post exposure prophylaxis (treatment) series and was re-exposed to a potentially rabid animal.**

- After determining that the person was exposed, administer 2 booster vaccinations on day 0 and day 3. (Do not administer Rabies Immunoglobulin)
- If the patient experiences multiple re-exposures, indicating multiple series of boosters in a relatively short amount of time, contact IDPH for consultation.

#### **3) Patient is pregnant and was exposed to a potentially rabid animal.**

- Because of the potential consequences of inadequately treated rabies exposure, pregnancy is not considered a contraindication to post-exposure prophylaxis (treatment).
- Several studies have shown no indication of increased incidence of abortion, premature births or fetal abnormalities associated with rabies vaccination.
- Rabies exposure or diagnosis of rabies in the mother is not an indication for pregnancy termination.
- If the risk of exposure to rabies is substantial, pre-exposure vaccination might also be indicated during pregnancy.

#### **4) Patient was scratched by a potentially rabid cat.**

- Rabies is most commonly transmitted through a bite, but can also be transmitted via saliva and nervous tissue contact to an open wound or mucous membrane.
- Nationally, there has been some concern over the risk associated with being scratched by potentially rabid cats (because cats commonly lick their claws). However, there has not been any definitive national guidance released on this issue, and IDPH is not aware of any documented cases of transmission via an animal scratch.
- Therefore, IDPH does not generally recommend post exposure prophylaxis (treatment) based upon scratch exposure alone.

**5) Patient woke up to find a bat in the next room or elsewhere in the home.**

- Recommendations state that if a bat is found in the same room as a sleeping person, small child, or incapacitated person it should be tested. If the bat is not available for testing it should be assumed positive and post exposure prophylaxis (treatment) should be considered. If a bat is found elsewhere in the home, post exposure prophylaxis (treatment) is generally not recommended by IDPH.

**6) An immunosuppressed patient was exposed to a potentially rabid animal.**

- Corticosteroids, other immunosuppressive agents, anti-malarials, and immunosuppressive illnesses can interfere with the development of active immunity after post-exposure prophylaxis (treatment). Immunosuppressive agents should not be administered during post-exposure prophylaxis (treatment) unless essential for the treatment of other conditions. When post-exposure prophylaxis (treatment) is administered to an immunosuppressed person, it is especially important that a serum sample be tested for rabies antibody to ensure that an acceptable antibody response has developed.
- Patients who are immunosuppressed by disease or medications should postpone pre-exposure vaccinations and consider avoiding activities for which rabies pre-exposure prophylaxis is indicated. When this course is not possible, immunosuppressed persons who are at risk for rabies should be vaccinated and their antibody titers checked.

**7) A patient with a history of hypersensitivity to components of the rabies vaccine was exposed to a potentially rabid animal.**

- When a person with a history of serious hypersensitivity to rabies vaccine must be revaccinated, antihistamines can be administered. Epinephrine should be readily available to counteract anaphylactic reactions, and the person should be observed carefully immediately after vaccination.

**8) A patient was bitten by a domestic animal, who is responsible for implementing the animal quarantine?**

- Under Iowa Code Chapter 351.39, Local Boards of Health are responsible for collecting human exposure reports and enforcing animal confinement or testing. In most jurisdictions, this function is fulfilled by local animal control, local public or environmental health, or the sheriff's departments. Please contact your local officials for clarification.

**9) The patient has submitted the potentially rabid animal for rabies testing. Can post exposure prophylaxis (treatment) be delayed pending test results?**

- In general, yes, if the animal is available to test administration of post exposure prophylaxis (treatment) should be delayed pending results. If the test results are positive, indeterminate, or unsuitable, post exposure prophylaxis (treatment) should be administered immediately. (Consult with IDPH if exposure is above the shoulders, severe or unusual, or if there is a delay in testing of animal.)

**10) The patient received pre exposure vaccination prior to 1980 or has previously received post exposure prophylaxis (treatment) that varied from the current protocol. What is the recommended protocol for post exposure prophylaxis (treatment) for this exposure?**

- If the exposed patient received pre exposure vaccination with a product that is not currently approved and has never had their titer checked, it is recommended that the patient receive the entire post exposure prophylaxis (treatment) protocol (RIG + the 4 or 5 dose vaccination series).

- In general, patients who received pre exposure vaccination after 1980 should have received a currently approved product.
  - Approved products include: Human Diploid Cell Vaccine, Rabies Vaccine Adsorbed (fetal rhesus lung diploid cell culture), and Purified Chick Embryo Cell Vaccine.
- The current post exposure (treatment) prophylaxis protocol includes administration of RIG + the 4 or 5 dose vaccination series. If the exposed patient has not received the current RIG + the 4 or 5 dose vaccination series in the past, the entire currently approved (RIG + the 4 or 5 dose vaccination series) protocol should be administered.
- IDPH is available for rabies consultation: call 800-362-2736 during business hours and 515-323-4360 after hours (Iowa State Patrol will contact the IDPH person on call).

**11) If the patient was bitten above the shoulders, should post exposure (treatment) prophylaxis be delayed pending observation or laboratory testing?**

- If the patient was bitten above the shoulders, the health care provider should consider initiating the appropriate post exposure (treatment) immediately.
- The closer the point of exposure is to the brain, the shorter the distance in which the virus must travel, therefore potentially resulting in a shorter disease incubation period.



**NATIONAL ASSOCIATION**  
**of STATE PUBLIC HEALTH VETERINARIANS, INC.**

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May 31, 2011

**MEMORANDUM**

**TO:** State Public Health Veterinarians  
State Epidemiologists  
State Veterinarians  
Other Parties Interested in Rabies Prevention and Control

**FROM:** Catherine M. Brown, DVM, MSc, MPH, Chair  
Compendium of Animal Rabies Prevention and Control Committee

**SUBJECT:** *Compendium of Animal Rabies Prevention and Control, 2011*

The National Association of State Public Health Veterinarians (NASPHV) is pleased to provide the 2011 revision of the Compendium of Animal Rabies Prevention and Control for your use and for distribution to practicing veterinarians, wildlife rehabilitators, animal welfare organizations, and officials in animal control, public health, wildlife management, and agriculture in your state. This document is reviewed and revised as necessary, and the most current version replaces all previous versions. This cover memo summarizes the most notable changes that were made to the document and provides updates on other rabies issues.

**COMPENDIUM CHANGES**

Part I A.1. The national case definition for animal rabies was added for clarification of how rabies cases are defined for public health surveillance purposes.

Part I A.9. was expanded to: clarify that the Centers for Disease Control and Prevention's (CDC) rabies laboratory is available for confirmatory testing and on an emergency basis to expedite exposure management decisions; include information on testing methodology appropriate for field testing of surveillance specimens; and to clarify that there are no reliable ante mortem rabies tests available for use in animals.

Part I A.11. was expanded to include additional research topics that warrant further study.

Part III: The table of rabies vaccines licensed and marketed in the U.S. was updated for 2011.

Additional references have been added to provide scientific support for information provided in the document.

## RABIES UPDATES

The fifth World Rabies Day will be on September 28, 2011. More information is available at: <http://www.worldrabiesday.org>.

The 22nd annual international conference on Rabies in the Americas (RITA) is scheduled for October 16-21, 2011 in San Juan, Puerto Rico. More information is available at: <http://www.rabiesintheamericas.org/>.

CDC's Rabies Laboratory is attempting to collect specimens to evaluate the potential for rabies transmission via milk from lactating animals. Over the past 15 years, CDC has received mammary tissue and unpasteurized milk from approximately 1 rabid cow per year. To date, no rabies virus antigen or nucleic acids have been detected. However, continued collection of appropriate samples is critical to obtain a sufficient sample size to make evidence based recommendations. When rabies is suspected in a lactating animal, milk and mammary tissue should be collected and stored. If rabies is diagnosed, the milk and mammary tissue should be shipped on dry ice to:

Dr. Charles E. Rupprecht  
DASH, Building 18, Room SSB218  
Centers for Disease Control and Prevention  
1600 Clifton Road, NE  
Atlanta, GA 30333  
(404) 639-1050

Enhanced surveillance of the rabies virus variants currently circulating in the U.S. is critical for detecting new or introduced rabies virus variants. CDC requests an aliquot of CNS tissue from: rabid domestic animals (especially dogs); less common non-reservoir species (e.g. ruminants); and, from rabid carnivores in areas where bats are the only enzootic rabies reservoir, for antigenic and phylogenetic characterization. In addition, to better evaluate the potential of certain species groups to transmit rabies, the entire head of any rodent or lagomorph testing positive for rabies should be submitted to evaluate the presence of rabies virus in salivary glands. Where feasible, rabies diagnostic laboratories should store the heads of highly suspect rodents and lagomorphs until testing is completed. Positive specimens should be sent to CDC at the above address for further analysis.

## Compendium of Animal Rabies Prevention and Control, 2011\*

### National Association of State Public Health Veterinarians, Inc. (NASPHV)

Rabies is a fatal viral zoonosis and a serious public health problem (1). All mammals are believed to be susceptible to the disease, and for purposes of this document, use of the term “animal” refers to mammals. The disease is an acute, progressive encephalitis caused by a lyssavirus. Rabies virus is the most important lyssavirus globally. In the United States, multiple rabies virus variants are maintained in wild mammalian reservoir populations such as raccoons, skunks, foxes, and bats. Although the U.S. has been declared free of canine rabies virus variant transmission, there is always a risk of reintroduction of these variants (2-6).

The virus is usually transmitted from animal to animal through bites. The incubation period is highly variable. In domestic animals it is generally 3-12 weeks, but can range from several days to months, rarely exceeding 6 months (7). Rabies is communicable during the period of salivary shedding of rabies virus. Experimental and historic evidence document that dogs, cats, and ferrets shed virus a few days prior to clinical onset and during illness. Clinical signs of rabies are variable and include inappetence, dysphagia, cranial nerve deficits, abnormal behavior, ataxia, paralysis, altered vocalization, and seizures. Progression to death is rapid. There are currently no known effective rabies antiviral drugs.

The recommendations in this compendium serve as a basis for animal rabies prevention and control programs throughout the United States and facilitate standardization of procedures among jurisdictions, thereby contributing to an effective national rabies control program. This document is reviewed and revised as necessary. The most current version replaces all previous versions. These recommendations do not supersede state and local laws or requirements. Principles of rabies prevention and control are detailed in Part I; recommendations for parenteral vaccination procedures are presented in Part II; and all animal rabies vaccines licensed by the United States Department of Agriculture (USDA) and marketed in the United States are listed and described in Part III.

#### **The NASPHV Committee**

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American Veterinary Medical Association (AVMA)  
Association of Public Health Laboratories (APHL)  
Council of State and Territorial Epidemiologists (CSTE)  
National Animal Control Association (NACA)

## Part I. Rabies Prevention and Control

### A. PRINCIPLES OF RABIES PREVENTION AND CONTROL

**1. CASE DEFINITION:** An animal is determined to be rabid after diagnosis by a qualified laboratory as specified in Part I.A.9. The national case definition for animal rabies requires laboratory confirmation by either:

- A positive direct fluorescent antibody test (preferably performed on central nervous system tissue); or
- Isolation of rabies virus (in cell culture or in a laboratory animal (8)).

**2. RABIES EXPOSURE:** Rabies is transmitted when the virus is introduced into bite wounds, open cuts in skin, or onto mucous membranes from saliva or other potentially infectious material such as neural tissue (9). Questions regarding possible exposures should be directed promptly to state or local public health authorities.

**3. PUBLIC HEALTH EDUCATION:** Essential components of rabies prevention and control include ongoing public education, responsible pet ownership, routine veterinary care and vaccination, and professional continuing education. The majority of animal and human exposures to rabies can be prevented by raising awareness concerning: rabies transmission routes, avoiding contact with wildlife, and following appropriate veterinary care. Prompt recognition and reporting of possible exposures to medical professionals and local public health authorities is critical.

**4. HUMAN RABIES PREVENTION:** Rabies in humans can be prevented either by eliminating exposures to rabid animals or by providing exposed persons with prompt local treatment of wounds combined with the appropriate administration of human rabies immune globulin and vaccine. Exposure assessment should occur before postexposure rabies prophylaxis (PEP) is initiated and should include discussion between medical providers and public health officials. The rationale for recommending preexposure prophylaxis and details of both pre- and post-exposure prophylaxis administration can be found in the current recommendations of the Advisory Committee on Immunization Practices (ACIP) (9,10). These recommendations, along with information concerning the current local and regional epidemiology of animal rabies and the availability of human rabies biologics, are available from state health departments.

**5. DOMESTIC ANIMAL VACCINATION:** Multiple vaccines are licensed for use in domestic animal species. Vaccines available include: inactivated or modified live virus vectored products; products for intramuscular and subcutaneous administration; products with durations of immunity from one to 4 years; and products with varying minimum age of vaccination. The recommended vaccination procedures and the licensed animal vaccines are specified in Parts II and III of this compendium, respectively. Local governments should initiate and maintain effective programs to ensure vaccination of all dogs, cats, and ferrets and to remove strays and unwanted animals. Such procedures in the United States have reduced laboratory confirmed cases of rabies in dogs from 6,949 in 1947 to 93 in 2009 (2). Because more rabies cases are reported annually involving cats (274 in 2009) than dogs, vaccination of cats should be required (2). Animal shelters and animal control authorities should establish policies to ensure that adopted animals are vaccinated against rabies.

**6. RABIES IN VACCINATED ANIMALS:** Rabies is rare in vaccinated animals (11-13). If such an event is suspected, it should be reported to public health officials; the vaccine manufacturer; and USDA, Animal and Plant Health Inspection Service, Center for Veterinary Biologics (Internet: [http://www.aphis.usda.gov/animal\\_health/vet\\_biologics/vb\\_adverse\\_event.shtml](http://www.aphis.usda.gov/animal_health/vet_biologics/vb_adverse_event.shtml); telephone: 800-752-6255). The laboratory diagnosis should be confirmed and the virus variant characterized by the Centers for Disease Control and Prevention (CDC) rabies reference laboratory. A thorough epidemiologic investigation

including documentation of the animal's vaccination history and a description of potential rabies exposures should be conducted.

**7. RABIES IN WILDLIFE:** The control of rabies among wildlife reservoirs is difficult (14). Vaccination of free-ranging wildlife or selective population reduction is useful in some situations (15), but the success of such procedures depends on the circumstances surrounding each rabies outbreak (see Part I. C.). Because of the risk of rabies in wild animals (especially raccoons, skunks, coyotes, foxes, and bats), the American Veterinary Medical Association, American Public Health Association, Council of State and Territorial Epidemiologists, National Animal Control Association and the National Association of State Public Health Veterinarians strongly recommend the enactment and enforcement of state laws prohibiting their importation, distribution, translocation, and private ownership.

**8. RABIES SURVEILLANCE:** Enhanced laboratory-based rabies surveillance and variant typing are essential components of rabies prevention and control programs. Accurate and timely information and reporting is necessary to: guide human PEP decisions; determine the management of potentially exposed animals; aid in emerging pathogen discovery; describe the epidemiology of the disease; and assess the need for and effectiveness of vaccination programs for domestic animals and wildlife. Every animal submitted for rabies testing should be reported to CDC to evaluate surveillance trends. Electronic laboratory reporting and notification of animal rabies surveillance data should be implemented (16). Optimal information on animals submitted for rabies testing should include species, point location, vaccination history, rabies virus variant (if rabid), and human or domestic animal exposures. Rabid animals with a history of importation within 60 days into the United States are immediately notifiable by state health departments to CDC; all indigenous cases should follow standard notification protocols (17). Integration with standard public health reporting and notification systems should facilitate the transmission of the above data elements.

## **9. RABIES DIAGNOSIS:**

- a) The direct fluorescent antibody (DFA) test is the gold standard for rabies diagnosis. The DFA test should be performed in accordance with the established national standardized protocol ([http://www.cdc.gov/rabies/docs/standard\\_dfa\\_protocol\\_rabies.pdf](http://www.cdc.gov/rabies/docs/standard_dfa_protocol_rabies.pdf)) by a qualified laboratory that has been designated by the local or state health department (18,19). Animals submitted for rabies testing should be euthanized (20,21) in such a way as to maintain the integrity of the brain so that the laboratory can recognize the anatomical parts. Except in the case of very small animals, such as bats, only the head or brain (including brain stem) should be submitted to the laboratory. To facilitate prompt laboratory testing, submitted specimens should be stored and shipped under refrigeration without delay. The need to thaw frozen specimens will delay testing. Chemical fixation of tissues should be avoided to prevent significant testing delays and because it might preclude reliable testing. Questions about testing of fixed tissues should be directed to the local rabies laboratory or public health department.
- b) Rabies testing should be available on an emergency basis to expedite exposure management decisions (18). When confirmatory testing is needed by state health departments (e.g., inconclusive results, unusual species, mass exposures), the CDC rabies laboratory can provide results within 24 hours of submission (22).
- c) A direct rapid immunohistochemical test (DRIT) is being used by trained field personnel in surveillance programs for specimens not involved in human or domestic animal exposures (23-26). All positive DRIT results need to be confirmed by DFA testing at a qualified laboratory.
- d) Currently, there are no USDA licensed rapid test kits commercially available for rabies diagnosis. Unlicensed tests should not be used due to several concerns: the sensitivity/specificity are not known; the tests have not been validated against current standard methods; the excretion of virus in the saliva is intermittent and the amount varies over time; any test result would need to be confirmed by more

reliable methods such as DFA testing on brain tissue; and the interpretation of results may place exposed animals and persons at risk.

**10. RABIES SEROLOGY:** Some jurisdictions require evidence of vaccination and rabies virus antibodies for animal importation purposes. Rabies virus antibody titers are indicative of a response to vaccine or infection. Titers do not directly correlate with protection because other immunologic factors also play a role in preventing rabies, and our abilities to measure and interpret those other factors are not well-developed. Therefore, evidence of circulating rabies virus antibodies in animals should not be used as a substitute for current vaccination in managing rabies exposures or determining the need for booster vaccinations (27-30).

**11. RABIES RESEARCH:** Information derived from well-designed studies is essential for the development of science-based recommendations. Data are needed in several areas including: viral shedding periods for domestic livestock and lagomorphs; potential shedding of virus in milk; earliest age at which rabies vaccination is effective and protective effect of maternal antibody; duration of immunity; postexposure prophylaxis protocols for domestic animals; models for treatment of clinical rabies; extra label vaccine use in domestic animals and wildlife rabies reservoirs; host-pathogen adaptations and dynamics; and the ecology of wildlife rabies reservoir species, especially in relation to the use of oral rabies vaccines.

## **B. PREVENTION AND CONTROL METHODS IN DOMESTIC AND CONFINED ANIMALS**

**1. PREEXPOSURE VACCINATION AND MANAGEMENT:** Parenteral animal rabies vaccines should be administered only by or under the direct supervision of a licensed veterinarian on premises. Rabies vaccinations may also be administered under the supervision of a licensed veterinarian to animals held in animal control shelters before release. The veterinarian signing a rabies vaccination certificate must ensure that the person administering vaccine is identified on the certificate and is appropriately trained in vaccine storage, handling, administration, and in the management of adverse events. This practice assures that a qualified and responsible person can be held accountable for properly vaccinating the animal. Within 28 days after initial vaccination, a peak rabies virus antibody titer is reached, and the animal can be considered immunized (29,31-33). An animal is currently vaccinated and is considered immunized if the initial vaccination was administered at least 28 days previously or booster vaccinations have been administered in accordance with this compendium.

Regardless of the age of the animal at initial vaccination, a booster vaccination should be administered 1 year later (see Parts II and III for vaccines and procedures). No laboratory or epidemiologic data exist to support the annual or biennial administration of 3- or 4-year vaccines after the initial series. Because a rapid anamnestic response is expected, an animal is considered currently vaccinated immediately after a booster vaccination (34).

### **a) DOGS, CATS AND FERRETS**

All dogs, cats, and ferrets should be vaccinated against rabies and revaccinated in accordance with Part III of this compendium. If a previously vaccinated animal is overdue for a booster, it should be revaccinated. Immediately after the booster, the animal is considered currently vaccinated and should be placed on a booster schedule, depending on the labeled duration of the vaccine used.

### **b) LIVESTOCK**

All horses should be vaccinated against rabies (35). Livestock, including species for which licensed vaccines are not available, that have frequent contact with humans (e.g., in petting zoos, fairs, and other public exhibitions) should be vaccinated against rabies (36,37). Consideration should also be given to vaccinating livestock that are particularly valuable.

c) **CAPTIVE WILD ANIMALS AND HYBRIDS** (the offspring of wild animals crossbred to domestic animals).

(1) Wild animals or hybrids should not be kept as pets (38-40). No parenteral rabies vaccines are licensed for use in wild animals or hybrids (41).

(2) Animals that are maintained in exhibits and in zoological parks and are not completely excluded from all contact with rabies vectors can become infected. Moreover, wild animals might be incubating rabies when initially captured; therefore, wild-caught animals susceptible to rabies should be quarantined for a minimum of 6 months. Employees who work with animals at such facilities should receive preexposure rabies vaccination. The use of pre- or postexposure rabies vaccinations for handlers who work with animals at such facilities might reduce the need for euthanasia of captive animals that expose handlers. Carnivores and bats should be housed in a manner that precludes direct contact with the public (36,37).

**2. STRAY ANIMALS:** Stray dogs, cats, and ferrets should be removed from the community. Local health departments and animal control officials can enforce the removal of strays more effectively if owned animals are required to have identification and are confined or kept on leash. Strays should be impounded for at least 3 business days to determine if human exposure has occurred and to give owners sufficient time to reclaim animals.

### **3. IMPORTATION AND INTERSTATE MOVEMENT OF ANIMALS:**

a) **INTERNATIONAL.** CDC regulates the importation of dogs and cats into the United States (5). Importers of dogs must comply with rabies vaccination requirements (42 CFR, Part 71.51[c] [<http://www.cdc.gov/animalimportation/dogs.html>]) and complete CDC form 75.37 (<http://www.cdc.gov/animalimportation/pdf/dog-import.pdf>). These regulations require dogs imported from rabies endemic countries to be vaccinated for rabies and confined for varying timeframes depending on age, prior vaccination status, and country of origin. The appropriate health official of the state of destination should be notified within 72 hours of the arrival of any imported dog required to be placed in confinement under these regulations. Failure of the owner to comply with these confinement requirements should be promptly reported to the Division of Global Migration and Quarantine, CDC (telephone: 404-639-4528 or 404-639-4537).

Federal regulations alone are insufficient to prevent the introduction of rabid animals into the United States (3,4,42,43). All imported dogs and cats are subject to state and local laws governing rabies and should be currently vaccinated against rabies in accordance with this compendium. Failure of the owner to comply with state or local requirements should be referred to the appropriate state or local official.

b) **AREAS WITH DOG-TO-DOG RABIES TRANSMISSION.** Canine rabies virus variants have been eliminated in the United States (2,6). Rabid dogs have been introduced into the continental United States from areas with dog-to-dog rabies transmission (3,4,42,43). The movement of dogs for the purposes of adoption or sale from areas with dog-dog rabies transmission increases the risk of introducing canine-transmitted rabies to areas where it does not currently exist and should be prohibited.

c) **INTERSTATE.** Before interstate (including commonwealths and territories) movement, dogs, cats, ferrets, and horses should be currently vaccinated against rabies in accordance with this compendium's recommendations (see Part I. B.1.). Animals in transit should be accompanied by a currently valid NASPHV Form 51, Rabies Vaccination Certificate (<http://www.nasphv.org/Documents/RabiesVacCert.pdf>). When an interstate health certificate or certificate of veterinary inspection is required, it should contain the same rabies vaccination information as Form 51.

**4. ADJUNCT PROCEDURES:** Methods or procedures that enhance rabies control include the following (<http://www.rabiesblueprint.com/spip.php?article119>):

- a) **IDENTIFICATION.** Dogs, cats, and ferrets should be identified (e.g., metal or plastic tags or microchips) to allow for verification of rabies vaccination status.
- b) **LICENSURE.** Registration or licensure of all dogs, cats, and ferrets is an integral component of an effective rabies control program. A fee is frequently charged for such licensure, and revenues collected are used to maintain rabies or animal control activities. Evidence of current vaccination should be an essential prerequisite to licensure.
- c) **CANVASSING.** House-to-house canvassing by animal control officials facilitates enforcement of vaccination and licensure requirements.
- d) **CITATIONS.** Citations are legal summonses issued to owners for violations, including the failure to vaccinate or license their animals. The authority for officers to issue citations should be an integral part of each animal control program.
- e) **ANIMAL CONTROL.** All local jurisdictions should incorporate stray animal control, leash laws, animal bite prevention, and training of personnel in their programs.
- f) **PUBLIC EDUCATION.** All local jurisdictions should incorporate education covering responsible pet ownership, bite prevention, and appropriate veterinary care in their programs.

**5. POSTEXPOSURE MANAGEMENT:** This section refers to any animal exposed (see Part I.A.2.) to a confirmed or suspected rabid animal. Wild mammalian carnivores or bats that are not available or suitable for testing should be regarded as rabid animals.

- a) **DOGS, CATS AND FERRETS.** Any illness in an exposed animal should be reported immediately to the local health department. If signs suggestive of rabies develop (e.g., paralysis, seizures, etc.), the animal should be euthanized and the head shipped for testing as described in Part I.A.9.
  - (1) Dogs, cats, and ferrets that have never been vaccinated and are exposed to a rabid animal should be euthanized immediately. If the owner is unwilling to have this done, the animal should be placed in strict isolation for 6 months. Isolation in this context refers to confinement in an enclosure that precludes direct contact with people and other animals. Rabies vaccine should be administered upon entry into isolation or up to 28 days before release to comply with preexposure vaccination recommendations (see Part I.B.1.a.). There are currently no USDA licensed biologics for postexposure prophylaxis of previously unvaccinated domestic animals, and there is evidence that the use of vaccine alone will not reliably prevent the disease in these animals (44).
  - (2) Animals overdue for a booster vaccination should be evaluated on a case-by-case basis based upon severity of exposure, time elapsed since last vaccination, number of previous vaccinations, current health status, and local rabies epidemiology to determine need for euthanasia or immediate revaccination and observation/isolation.
  - (3) Dogs, cats, and ferrets that are currently vaccinated should be revaccinated immediately, kept under the owner's control, and observed for 45 days. The rationale for an observation period is based in part on the potential for: overwhelming viral challenge, incomplete vaccine efficacy, improper vaccine administration, variable host immunocompetence, and immune-mediated fatality (i.e., early death phenomenon) (12,45-47).
- b) **LIVESTOCK.** All species of livestock are susceptible to rabies; cattle and horses are the most frequently reported infected species (2). Any illness in an exposed animal should be reported immediately to the local health and agriculture officials. If signs suggestive of rabies develop, the animal should be euthanized and the head shipped for testing as described in Part I.A.9.

(1) Unvaccinated livestock should be euthanized immediately. If the animal is not euthanized, it should be observed and confined on a case-by-case basis for 6 months.

(2) Livestock exposed to a rabid animal and currently vaccinated with a vaccine approved by USDA for that species should be revaccinated immediately and observed for 45 days.

(3) Multiple rabid animals in a herd or herbivore-to-herbivore transmission are uncommon (48); therefore, restricting the rest of the herd if a single animal has been exposed to or infected by rabies is usually not necessary.

(4) Handling and consumption of tissues from exposed animals might carry a risk for rabies transmission. Risk factors depend in part on the site(s) of exposure, amount of virus present, severity of wounds, and whether sufficient contaminated tissue has been excised. If an exposed animal is to be custom or home-slaughtered for consumption, it should be done immediately after exposure, and all tissues should be cooked thoroughly. Persons handling exposed animals, carcasses, and tissues should use barrier precautions (49,50). Historically, federal guidelines for meat inspectors required that any animal known to have been exposed to rabies within 8 months be rejected for slaughter (51). USDA Food and Inspection Service (FSIS) and state meat inspectors should be notified if such exposures occur in food animals before slaughter.

Rabies virus is widely distributed in tissues of rabid animals (52-54). Tissues and products from a rabid animal should not be used for human or animal consumption (55,56) or transplantation (57). Pasteurization and cooking will inactivate rabies virus (58); therefore, inadvertently drinking pasteurized milk or eating thoroughly cooked animal products does not constitute a rabies exposure.

c) OTHER ANIMALS. Other mammals exposed to a rabid animal should be euthanized immediately. Animals maintained in USDA-licensed research facilities or accredited zoological parks should be evaluated on a case-by-case basis in consultation with public health authorities. Management options may include isolation, observation, or administration of rabies biologics.

## **6. MANAGEMENT OF ANIMALS THAT BITE HUMANS:**

a) Dogs, Cats, and Ferrets. Rabies virus is excreted in the saliva of infected dogs, cats, and ferrets during illness and/or for only a few days before illness or death (59-61). Regardless of rabies vaccination status, a healthy dog, cat, or ferret that exposes a person should be confined and observed daily for 10 days from the time of the exposure (62); administration of rabies vaccine to the animal is not recommended during the observation period to avoid confusing signs of rabies with rare adverse reactions (13). Any illness in the animal should be reported immediately to the local health department. Such animals should be evaluated by a veterinarian at the first sign of illness during confinement. If signs suggestive of rabies develop, the animal should be euthanized and the head submitted for testing as described in Part I.A.9. Any stray or unwanted dog, cat, or ferret that exposes a person may be euthanized immediately and the head submitted for rabies examination.

b) Other Animals. Other animals that might have exposed a person to rabies should be reported immediately to the local health department. Management of animals other than dogs, cats, and ferrets depends on the species, the circumstances of the exposure, the epidemiology of rabies in the area, the exposing animal's history, current health status, and the animal's potential for exposure to rabies. The shedding period for rabies virus is undetermined for most species. Previous vaccination of these animals might not preclude the necessity for euthanasia and testing.

**7. OUTBREAK PREVENTION AND CONTROL.** The emergence of new rabies virus variants or the introduction of non-indigenous viruses poses a significant risk to humans, domestic animals, and wildlife (63-70). A rapid and comprehensive response includes the following measures (71):

- a) Characterize the virus at the national reference laboratory.
- b) Identify and control the source of the introduction.
- c) Enhance laboratory-based surveillance in wild and domestic animals.
- d) Increase animal rabies vaccination rates.
- e) Restrict the movement of animals.
- f) Evaluate the need for vector population reduction.
- g) Coordinate a multiagency response.
- h) Provide public and professional outreach and education.

**8. DISASTER RESPONSE:** Animals might be displaced during and after man-made or natural disasters and require emergency sheltering (<http://www.bt.cdc.gov/disasters/petshelters.asp> and <http://www.avma.org/disaster/default.asp>) (72). Animal rabies vaccination and exposure histories often are not available for displaced animals. Disaster response creates situations where animal caretakers might lack appropriate training and preexposure vaccination. In such situations, it is critical to implement and coordinate rabies prevention and control measures to reduce the risk of rabies transmission and the need for human PEP. Such measures include actions to:

- a) Coordinate relief efforts of individuals and organizations with the local emergency operations center before deployment.
- b) Examine each animal at a triage site for possible bite injuries or signs of rabies.
- c) Isolate animals exhibiting signs of rabies, pending evaluation by a veterinarian.
- d) Ensure that all animals have a unique identifier.
- e) Administer a rabies vaccination to all dogs, cats and ferrets unless reliable proof of vaccination exists.
- f) Adopt minimum standards for animal caretakers as feasible, including personal protective equipment, preexposure rabies vaccination, and appropriate training in animal handling (73).
- g) Maintain documentation of animal disposition and location (e.g., returned to owner, died or euthanized, adopted, relocated to another shelter, and address of new location).
- h) Provide facilities to confine and observe animals involved in exposures (see Part I.B.6.).
- i) Report human exposures to appropriate public health authorities (see Part I.A.3.).

## C. PREVENTION AND CONTROL METHODS RELATED TO WILDLIFE

The public should be warned not to handle or feed wild mammals. Wild mammals and hybrids that expose persons, pets, or livestock should be considered for euthanasia and rabies diagnosis. A person exposed by any wild mammal should immediately report the incident to a healthcare provider who, in consultation with public health authorities, can evaluate the need for PEP (9,10).

Translocation of infected wildlife has contributed to the spread of rabies (63-68,74); therefore, the translocation of known terrestrial rabies reservoir species should be prohibited. Whereas state regulated wildlife rehabilitators and nuisance wildlife control operators may play a role in a comprehensive rabies control program, minimum standards for persons who handle wild mammals should include rabies vaccination, appropriate training, and continuing education.

**1. CARNIVORES:** The use of oral rabies vaccines (ORV) for the mass vaccination of free-ranging wildlife should be considered in selected situations, with the approval of the appropriate state agencies (14,75). There have been documented successes using ORV to control rabies in wildlife in North America (75-78). The currently licensed vaccinia-vectored ORV is labeled for use in raccoons and coyotes. The distribution of ORV should be based on scientific assessments of the target species and followed by timely and appropriate analysis of surveillance data; such results should be provided to all stakeholders. In addition, parenteral vaccination (trap-vaccinate-release) of wildlife rabies reservoirs may be integrated into coordinated ORV programs to enhance their effectiveness. Continuous and persistent programs for trapping

or poisoning wildlife are not effective in reducing wildlife rabies reservoirs on a statewide basis. However, limited population control in high-contact areas (e.g., picnic grounds, camps, and suburban areas) might be indicated for the removal of selected high-risk species of wildlife. State agriculture, public health, and wildlife agencies should be consulted for planning, coordination, and evaluation of vaccination or population reduction programs (14).

**2. BATS:** From the 1950's to date, indigenous rabid bats have been reported from every state except Hawaii and have caused rabies in at least 43 humans in the United States (79-92). Bats should be excluded appropriately from houses, public buildings, and adjacent structures to prevent direct association with humans (93,94). Such structures should then be made bat-proof by sealing entrances used by bats. Controlling rabies in bats through programs designed to reduce bat populations is neither feasible nor desirable.

## **Part II. Recommendations for Parenteral Rabies Vaccination Procedures**

**A. VACCINE ADMINISTRATION:** All animal rabies vaccines should be restricted to use by or under the direct supervision of a veterinarian (95), except as recommended in Part I.B.1.

**B. VACCINE SELECTION:** Part III lists all vaccines licensed by USDA and marketed in the United States at the time of publication. New vaccine approvals or changes in label specifications made subsequent to publication should be considered as part of this list. Any of the listed vaccines can be used for revaccination, even if the product is not the same as previously administered. Vaccines used in state and local rabies control programs should have at least a 3-year duration of immunity. This constitutes the most effective method of increasing the proportion of immunized dogs and cats in any population (96). No laboratory or epidemiologic data exist to support the annual or biennial administration of 3- or 4-year vaccines following the initial series.

**C. ADVERSE EVENTS:** Currently, no epidemiologic association exists between a particular licensed vaccine product and adverse events (13,97-98). Although rare, adverse events including vomiting, injection site swelling, lethargy, hypersensitivity, and rabies in a previously vaccinated animal have been reported. Adverse events should be reported to the vaccine manufacturer and to USDA, Animal and Plant Health Inspection Service, Center for Veterinary Biologics (Internet: [http://www.aphis.usda.gov/animal\\_health/vet\\_biologics/vb\\_adverse\\_event.shtml](http://www.aphis.usda.gov/animal_health/vet_biologics/vb_adverse_event.shtml); telephone: 800-752-6255). No contraindication to rabies vaccination exists. Animals with a previous history of anaphylaxis can be medically managed and observed after vaccination (46).

**D. WILDLIFE AND HYBRID ANIMAL VACCINATION:** The safety and efficacy of parenteral rabies vaccination of wildlife and hybrids have not been established, and no rabies vaccines are licensed for these animals. Zoos or research institutions may establish vaccination programs to attempt to protect valuable animals, but these should not replace appropriate public health activities that protect humans (see Part I.B.1.c.2).

**E. ACCIDENTAL HUMAN EXPOSURE TO VACCINE:** Human exposure to parenteral animal rabies vaccines listed in Part III does not constitute a risk for rabies virus infection. Human exposure to vaccinia-vectored oral rabies vaccines should be reported to state health officials (100,101).

**F. RABIES CERTIFICATE:** All agencies and veterinarians should use NASPHV Form 51 (revised 2007), Rabies Vaccination Certificate, or an equivalent. This form can be obtained from vaccine manufacturers, NASPHV (<http://www.nasphv.org/Documents/RabiesVacCert.pdf>), or CDC ([http://www.cdc.gov/rabies/pdf/nasphv\\_form51.pdf](http://www.cdc.gov/rabies/pdf/nasphv_form51.pdf)). The form must be completed in full and signed by the administering or supervising veterinarian. Computer generated forms containing the same information are also acceptable.

### III. Rabies Vaccines Licensed and Marketed in the U.S., 2011

Product Name	Produced by	Marketed by	For Use In	Dosage	Age at Primary Vaccination <sup>a</sup>	Booster Recommended	Route of Inoculation
<b>A) MONOVALENT (Inactivated)</b>							
RABVAC 1	Boehringer Ingelheim Vetmedica, Inc. License No. 112	Boehringer Ingelheim Vetmedica, Inc.	Dogs Cats	1 ml 1 ml	3 months <sup>b</sup> 3 months	Annually Annually	IM <sup>c</sup> or SC <sup>d</sup> IM or SC
RABVAC 3	Boehringer Ingelheim Vetmedica, Inc. License No. 112	Boehringer Ingelheim Vetmedica, Inc.	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
RABVAC 3 TF	Boehringer Ingelheim Vetmedica, Inc. License No. 112	Boehringer Ingelheim Vetmedica, Inc.	Dogs Cats Horses	1 ml 1 ml 2 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC IM
CONTINUUM RABIES	Intervet, Incorporated License No. 165A	Intervet, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	1 year later & triennially 1 year later & quadrennially	SC SC
EQUI-RAB	Intervet, Incorporated License No. 165A	Intervet, Incorporated	Horses	1 ml	4 months	Annually	IM
PRORAB-1	Intervet, Incorporated License No. 165A	Intervet, Incorporated	Dogs Cats Sheep	1 ml 1 ml 2 ml	3 months 3 months 3 months	Annually Annually Annually	IM or SC IM or SC IM
DEFENSOR 1	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
DEFENSOR 3	Pfizer, Incorporated License No. 189	Pfizer, Incorporated	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN	Pfizer, Incorporated License No. 189	Schering-Plough Animal Health	Dogs Cats Sheep Cattle	1 ml 1 ml 2 ml 2 ml	3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually Annually	IM or SC SC IM IM
RABDOMUN 1	Pfizer, Incorporated License No. 189	Schering-Plough Animal Health	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	IM or SC SC
IMRAB 1	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
IMRAB 1 TF	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats	1 ml 1 ml	3 months 3 months	Annually Annually	SC SC
IMRAB 3	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats Sheep Cattle Horses Ferrets	1 ml 1 ml 2 ml 2 ml 2 ml 1 ml	3 months 3 months 3 months 3 months 3 months 3 months	1 year later & triennially 1 year later & triennially 1 year later & triennially Annually Annually Annually	IM or SC IM or SC IM or SC IM or SC IM or SC SC
IMRAB 3 TF	Merial, Incorporated License No. 298	Merial, Incorporated	Dogs Cats Ferrets	1 ml 1 ml 1 ml	3 months 3 months 3 months	1 year later & triennially 1 year later & triennially Annually	IM or SC IM or SC SC
IMRAB Large Animal	Merial, Incorporated License No. 298	Merial, Incorporated	Cattle Horses Sheep	2 ml 2 ml 2 ml	3 months 3 months 3 months	Annually Annually 1 year later & triennially	IM or SC IM or SC IM or SC
<b>B) MONOVALENT (Rabies glycoprotein, live canary pox vector)</b>							
PUREVAX Feline Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1ml	3 months	Annually	SC
<b>C) COMBINATION (Inactivated rabies)</b>							
CONTINUUM DAP-R	Intervet, Incorporated License No. 165A	Intervet, Incorporated	Dogs	1 ml	3 months	1 year later & triennially	SC
CONTINUUM Feline HCP-R	Intervet, Incorporated License No. 165A	Intervet, Incorporated	Cats	1 ml	3 months	1 year later & triennially	SC
Equine POTOMAVAC + IMRAB	Merial, Incorporated License No. 298	Merial, Incorporated	Horses	1 ml	3 months	Annually	IM
<b>D) COMBINATION (Rabies glycoprotein, live canary pox vector)</b>							
PUREVAX Feline 3/ Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1ml	8 weeks 3 months	Every 3 weeks until 3 months & annually 3 weeks later & annually	SC
PUREVAX Feline 4/ Rabies	Merial, Incorporated License No. 298	Merial, Incorporated	Cats	1ml	8 weeks 3 months	Every 3 weeks until 3 months & annually 3 weeks later & annually	SC
<b>E) ORAL (Rabies glycoprotein, live vaccinia vector) - RESTRICTED TO USE IN STATE AND FEDERAL RABIES CONTROL PROGRAMS</b>							
RABORAL V-RG	Merial, Incorporated License No. 298	Merial, Incorporated	Coyotes Raccoons	N/A	N/A	As determined by local authorities	Oral

- a. Minimum age (or older) and revaccinated one year later  
b. One month = 28 days  
c. Intramuscularly

- d. Subcutaneously  
e. Fort Dodge Animal Health was recently acquired by Boehringer Ingelheim Vetmedica, Inc.

## Rabies Vaccine Manufacturer Contact Information

Manufacturer	Phone Number	Internet Address
Boehringer Ingelheim Vetmedica, Inc.	800-638-2226	Not available
Intervet, Inc.	800-441-8272	<a href="http://www.intervetusa.com">http://www.intervetusa.com</a>
Merial, Inc.	888-637-4251	<a href="http://us.merial.com">http://us.merial.com</a>
Pfizer, Inc.	800-366-5288	<a href="http://www.pfizerah.com">http://www.pfizerah.com</a>

**ADVERSE EVENTS:** Adverse events should be reported to the vaccine manufacturer and to USDA, Animal and Plant Health Inspection Service, Center for Veterinary Biologics (Internet: [http://www.aphis.usda.gov/animal\\_health/vet\\_biologics/vb\\_adverse\\_event.shtml](http://www.aphis.usda.gov/animal_health/vet_biologics/vb_adverse_event.shtml); telephone: 800-752-6255;).

## REFERENCES:

1. Rabies. In: Heymann D, ed. Control of communicable diseases manual. 19th ed. Washington, DC: American Public Health Association; 2008:498-508.
2. Blanton JD, Palmer D, Christian KA, Rupprecht CE. Rabies surveillance in the United States during 2009. J Am Vet Med Assn 2010;237(6):646-657. Available at: <http://www.cdc.gov/rabies/resources/publications/index.html>.
3. Castrodale L, Walker V, Baldwin J, Hofmann J, Hanlon C. Rabies in a puppy imported from India to the USA, March 2007. Zoonoses Public Health 2008;55(8-10):427-430.
4. CDC. Rabies in a Dog Imported from Iraq -- New Jersey, June 2008. MMWR 2008; 57:1076-1078. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5739a3.htm>.
5. McQuiston JH, Wilson T, Harris S, et al. Importation of dogs into the United States: risks from rabies and other zoonotic diseases. Zoonoses Public Health 2008;55(8-10):421-426.
6. Velasco-Villa A, Reeder SA, Orciari LA, et al. Enzootic rabies elimination from dogs and reemergence in wild terrestrial carnivores, United States. Emerg Infect Dis 2008;14(12):1849-1854. Available at: <http://www.cdc.gov/EID/content/14/12/1849.htm>.
7. Beran GW. Rabies and infections by rabies-related viruses. In: Beran GW (ed.) Handbook of zoonoses section B: Viral, second ed. Boca Raton, FL: CRC Press; 1994:307-57.
8. Council of State and Territorial Epidemiologists. Public Health Reporting and National Notification for Animal Rabies. Infectious Disease Positions Statements, June 2009. CSTE, Atlanta, GA. Available at: <http://www.cste.org/ps2009/09-ID-12.pdf>.
9. CDC. Human rabies prevention—United States, 2008. Recommendations of the Advisory Committee on Immunization Practices (ACIP). MMWR 2008;57(No. RR-3):1-28. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr57e507a1.htm>.
10. CDC. Use of reduced (4-dose) vaccine schedule for postexposure prophylaxis to prevent human rabies. Recommendations of the Advisory Committee on Immunization Practices (ACIP). MMWR 2010;59(No. RR-2):1-12. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5902a1.htm>.
11. McQuiston J, Yager PA, Smith JS, Rupprecht CE. Epidemiologic characteristics of rabies virus variants in dogs and cats in the United States, 1999. J Am Vet Med Assoc 2001;218:1939-42.
12. Murray KO, Holmes KC, Hanlon CA. Rabies in vaccinated dogs and cats in the United States, 1997-2001. J Am Vet Med Assoc 2009;235:691-695.
13. Frana TS, Clough NE, Gatewood DM, Rupprecht CE. Postmarketing surveillance of rabies vaccines for dogs to evaluate safety and efficacy. J Am Vet Med Assoc 2008;232:1000-1002.
14. Hanlon CA, Childs JE, Nettles VF, et al. Recommendations of the Working Group on Rabies. Article III: rabies in wildlife. J Am Vet Med Assoc 1999;215:1612-8.
15. Slate D, Algeo TD, Nelson KM, et al. Oral rabies vaccination in North America: opportunities, complexities, and challenges. PLoS Negl Trop Dis 2009;3(12):1-9
16. Council of State and Territorial Epidemiologists. Electronic laboratory reporting in the US: underfunded and under potential, or, recommendations for the implementation of ELR in the US. Policy Positions Statements, June 2009. CSTE, Atlanta, GA. Available at: <http://www.cste.org/ps2009/09-SI-03.pdf>.
17. Council of State and Territorial Epidemiologists. Process statement for immediately nationally notifiable conditions. Policy Positions Statements, June 2009. CSTE, Atlanta, GA. Available at: <http://www.cste.org/ps2009/09-SI-04.pdf>.
18. Hanlon CA, Smith JS, Anderson GR, et al. Recommendations of the Working Group on Rabies. Article II: laboratory diagnosis of rabies. J Am Vet Med Assoc 1999;215:1444-6.
19. Rudd RJ, Smith JS, Yager PA, et al. A need for standardized rabies-virus diagnostic procedures: effect of cover-glass mountant on the reliability of antigen detection by the fluorescent antibody test. Virus Res 2005;111:83-8.
20. American Veterinary Medical Association. AVMA guidelines on euthanasia, June 2007. Schaumburg, IL: American Veterinary Medical Association; 2007. Available at: [http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf).
21. Michigan Rabies Working Group. Humane euthanasia of bats for public health rabies testing. 2008. Available at: [http://www.michigan.gov/documents/emergingdiseases/Humane\\_Euthanasia\\_of\\_Bats-Final\\_244979\\_7.pdf](http://www.michigan.gov/documents/emergingdiseases/Humane_Euthanasia_of_Bats-Final_244979_7.pdf).
22. CDC. Public health response to a potentially rabid bear cub -- Iowa, 1999. MMWR 1999;48:971-3. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm4842a5.htm>.

23. Niezgoda M, Rupprecht CE. Atlanta: US Department of Health and Human Services, Centers for Disease Control and Prevention 1-16; 2006. Standard operating procedure for the direct rapid immunohistochemistry test for the detection of rabies virus antigen. National Laboratory Training Network Course. Available at: [http://www.rabiesblueprint.com/IMG/pdf/DRIT\\_SOP.pdf](http://www.rabiesblueprint.com/IMG/pdf/DRIT_SOP.pdf).
24. Lembo T, Niezgoda M, Velasco-Villa A, Cleaveland S, Ernest E, Rupprecht CE. Evaluation of a direct, rapid immunohistochemical test for rabies diagnosis. *Emerg Infect Dis*. 2006. Feb;12(2):310-3.
25. Dürr S, Naïssengar S, Mindekem R, et al. Rabies diagnosis for developing countries. *PLoS Negl Trop Dis*. 2008. Mar 26;2(3):e206.
26. Saturday GA, King R, Fuhrmann L. Validation and operational application of a rapid method for rabies antigen detection. *US Army Med Dep J*. 2009. Jan-Mar:42-5.
27. Tizard I, Ni Y. Use of serologic testing to assess immune status of companion animals. *J Am Vet Med Assoc* 1998;213:54–60.
28. Greene CE, ed. Rabies and other lyssavirus infections. In: *Infectious diseases of the dog and cat*. 3rd ed. London, England: Saunders Elsevier; 2006;167–83.
29. Rupprecht CE, Gilbert J, Pitts R, Marshall K, Koprowski H. Evaluation of an inactivated rabies virus vaccine in domestic ferrets. *J Am Vet Med Assoc* 1990;196:1614–6.
30. Moore SM, Hanlon CA. Rabies-specific antibodies: measuring surrogates of protection against a fatal disease. *PLoS Negl Trop Dis*. 2010. Mar 9;4(3):e595.
31. Aubert MF. Practical significance of rabies antibodies in cats and dogs. *Rev Sci Tech* 1992;11:735–60.
32. Muirhead TL, McClure JT, Wichtel JJ, et al. The effect of age on serum antibody titers after rabies and influenza vaccination in healthy horses. *J Vet Intern Med* 2008;22:654-661.
33. Shimazaki Y, Inoue S, Takahashi C, et al. Immune response to Japanese rabies vaccine in domestic dogs. *J Vet Med B* 2003;50:95-8.
34. Cliquet F, Verdier Y, Sagné L, et al. Neutralising antibody titration in 25,000 sera of dogs and cats vaccinated against rabies in France, in the framework of the new regulations that offer an alternative to quarantine. *Rev Sci Tech* 2003;22:857–66.
35. Rabies. In: *Guidelines for the vaccination of horses*. American Association of Equine Practitioners; 2009. Available at: <http://www.aaep.org/rabies.htm>.
36. National Association of State Public Health Veterinarians. Compendium of measures to prevent disease and injury associated with animals in public settings, 2007. *MMWR* 2007;56(RR05);1-13. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5805a1.htm>.
37. Bender J, Schulman S. Reports of zoonotic disease outbreaks associated with animal exhibits and availability of recommendations for preventing zoonotic disease transmission from animals to people in such settings. *J Am Vet Med Assoc* 2004;224:1105–9.
38. American Veterinary Medical Association. Private ownership of wild animals. Schaumburg, IL: American Veterinary Medical Association; 2006. Available at: [http://www.avma.org/issues/policy/wild\\_animal\\_ownership.asp](http://www.avma.org/issues/policy/wild_animal_ownership.asp).
39. American Veterinary Medical Association. Position on canine hybrids. Schaumburg, IL: American Veterinary Medical Association; 2008. Available at: [http://www.avma.org/issues/policy/canine\\_hybrids.asp](http://www.avma.org/issues/policy/canine_hybrids.asp).
40. Siino BS. Crossing the line: the case against hybrids. *American Society for the Prevention of Cruelty to Animals, Animal Watch*; 2000:22–9. Available at: <http://www.petfinder.com/before-pet-adoption/case-against-hybrids.html?page-index=1&query=hybrids>.
41. Jay MT, Reilly KF, DeBess EE, Haynes EH, Bader DR, Barrett LR. Rabies in a vaccinated wolf-dog hybrid. *J Am Vet Med Assoc* 1994;205:1729–32.
42. CDC. An imported case of rabies in an immunized dog. *MMWR* 1987;36:94–6. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/00000874.htm>.
43. CDC. Imported dog and cat rabies—New Hampshire, California. *MMWR* 1988;37:559–60. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/00001275.htm>.
44. Hanlon CA, Niezgoda MN, Rupprecht CE. Postexposure prophylaxis for prevention of rabies in dogs. *Am J Vet Res* 2002;63:1096–100.
45. US Government Printing Office. 9CFR113.209. Available at: [http://edocket.access.gpo.gov/cfr\\_2003/9cfr113.209.htm](http://edocket.access.gpo.gov/cfr_2003/9cfr113.209.htm).
46. Greene CE, ed. Immunoprophylaxis. In: *Infectious diseases of the dog and cat*. 3rd ed. London, England: Saunders Elsevier; 2006;1069-1119.
47. Willoughby, RE. “early death” and the contraindication of vaccine during rabies treatment. *Vaccine* 2009;27:7173-7177.
48. Mansfield K, McElhinney L, Hübschle O, et al. A molecular epidemiological study of rabies epizootics in kudu (*Tragelaphus strepsiceros*) in Namibia. *BMC Vet Res* 2006;2:2.
49. Viral agents. In: U.S. Department of Health and Human Services. *Biosafety in Microbiological and Biomedical Laboratories*. 5<sup>th</sup> edition. Washington, D.C.: U.S. Government Printing Office; 2007:234-235. Available at: <http://www.cdc.gov/biosafety/publications/bmbl5/BMBL5 sect VIII e.pdf>.
50. Wertheim HFL, Nguyen TQ, Nguyen KAT, et al. Furious rabies after an atypical exposure. *PLoS Med* 2009;6(3):0264-8.
51. Ante-mortem inspection. In: U.S. Meat and Poultry Inspection Program. *Meat and poultry inspection manual*. Washington, D.C.: U.S. Government Printing Office; 1973:314 p.
52. Debbie JG, Trimarchi CV. Pantropism of rabies virus in free-ranging rabid red fox (*Vulpes fulva*). *J Wildl Dis* 1970;6(4):500-6.
53. Fekadu M, Shaddock JH. Peripheral distribution of virus in dogs inoculated with two strains of rabies virus. *Am J Vet Res* 1984;45(4):724-729.

54. Charlton, KM. The pathogenesis of rabies and other lyssaviral infections: recent studies. *Curr Top Microbiol Immunol* 1994;187:95–119.
55. Afshar, A. A review of non-bite transmission of rabies virus infection. *Br Vet J* 1979;135:142-8.
56. CDC. Mass treatment of humans who drank unpasteurized milk from rabid cows—Massachusetts, 1996–1998. *MMWR* 1999;48:228–9. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/00056759.htm>.
57. CDC. Public health service guideline on infectious disease issues in xenotransplantation. *MMWR* 2001;50(No. RR-15):1-56.
58. Turner GS, Kaplan C. Some properties of fixed rabies virus. *J Gen Virol* 1967;1:537-551.
59. Vaughn JB, Gerhardt P, Paterson J. Excretion of street rabies virus in saliva of cats. *J Am Med Assoc* 1963;184:705.
60. Vaughn JB, Gerhardt P, Newell KW. Excretion of street rabies virus in saliva of dogs. *J Am Med Assoc* 1965;193:363–8.
61. Niezgodna M, Briggs DJ, Shaddock J, Rupprecht CE. Viral excretion in domestic ferrets (*Mustela putorius furo*) inoculated with a raccoon rabies isolate. *Am J Vet Res* 1998;59:1629–32.
62. Tepsumethanon V, Lumlerdacha B, Mitmoonpitak C, Sitprija V, Meslin FX, Wilde H. Survival of naturally infected rabid dogs and cats. *Clin Infect Dis* 2004;39:278–80.
63. Jenkins SR, Perry BD, Winkler WG. Ecology and epidemiology of raccoon rabies. *Rev Infect Dis* 1988;10(Suppl 4):S620–5.
64. CDC. Translocation of coyote rabies—Florida, 1994. *MMWR* 1995;44:580–7. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/00038451.htm>.
65. Rupprecht CE, Smith JS, Fekadu M, Childs JE. The ascension of wildlife rabies: a cause for public health concern or intervention? *Emerg Infect Dis* 1995;1:107–14. Available at: <http://www.cdc.gov/ncidod/eid/vol1no4/rupprecht.htm>.
66. Constantine DG. Geographic translocation of bats: known and potential problems. *Emerg Infect Dis* 2003;9:17–21. Available at: <http://www.cdc.gov/ncidod/EID/vol9no1/02-0104.htm>.
67. Krebs JW, Strine TW, Smith JS, Rupprecht CE, Childs JE. Rabies surveillance in the United States during 1993. *J Am Vet Med Assoc* 1994;205:1695–709.
68. VF Nettles, JH Shaddock, RK Sikes, CR Reyes. Rabies in translocated raccoons. *Am J Public Health* 1979;69:601–2.
69. RM Engeman, KL Christensen, MJ Pipas, DL Bergman. Population monitoring in support of a rabies vaccination program for skunks in Arizona. *J Wildl Dis* 2003;39:746–50.
70. Leslie MJ, Messenger S, Rohde RE, et al. Bat-associated rabies virus in skunks. *Emerg Infect Dis* 2006;12:1274–7. Available at: <http://www.cdc.gov/ncidod/EID/vol12no08/05-1526.htm>.
71. Rupprecht CE, Hanlon CA, Slate D. Control and prevention of rabies in animals: paradigm shifts. *Dev Biol (Basel)*. 2006;125:103-11.
72. Pets Evacuation and Transportations Standards Act of 2006. Available at: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ308.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ308.109.pdf).
73. National Animal Control Association guidelines. Available at: <http://www.nacanet.org/guidelines.html>.
74. Chipman R, Slate D, Rupprecht C, Mendoza M. Downside Risk of Translocation. Dodet B, Fooks AR, Muller T, Tordo N, and the Scientific & Technical Department of the OIE (eds): *Towards the Elimination of Rabies in Eurasia*. *Dev Biol. Basel*, Karger 2008;131:223-232.
75. Slate D, Rupprecht CE, Rooney JA, Donovan D, Lein DH, Chipman RB. Status of oral rabies vaccination in wild carnivores in the United States. *Virus Res* 2005;111:68–76.
76. Sidwa TJ, Wilson PJ, Moore GM, et al. Evaluation of oral rabies vaccination programs for control of rabies epizootics in coyotes and gray foxes: 1995-2003. *J Am Vet Med Assoc* 2005;227:785-792.
77. MacInnes CD, Smith SM, Tinline RR, et al. Elimination of rabies from red foxes in eastern Ontario. *J Wildl Dis* 2001;37:119-132.
78. Rosatte RC, Power MJ, Donovan D, et al. Elimination of arctic variant of rabies in red foxes, metropolitan Toronto. *Emerg Infect Dis* 2007;13(1)25-27. Available at: <http://www.cdc.gov/ncidod/EID/13/1/25.htm>.
79. Messenger SL, Smith JS, Rupprecht CE. Emerging epidemiology of bat-associated cryptic cases of rabies in humans in the United States. *Clin Infect Dis* 2002;35:738–47.
80. CDC. Human rabies—California, 2002. *MMWR* 2002;51:686–8. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5131a4.htm>.
81. CDC. Human rabies—Tennessee, 2002. *MMWR* 2002;51:828–9. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5137a2.htm>.
82. CDC. Human rabies—Iowa, 2002. *MMWR* 2003;52:47–8. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5203a3.htm>.
83. CDC. Human death associated with bat rabies—California, 2003. *MMWR* 2004;53:33–5. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5302a4.htm>.
84. CDC. Recovery of a patient from clinical rabies, Wisconsin, 2004. *MMWR* 2004;53:1171–3. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5350a1.htm>.
85. CDC. Human rabies—Mississippi, 2005. *MMWR* 2006;55:207–8. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5508a4.htm>.
86. CDC. Human rabies—Indiana and California, 2006. *MMWR* 2007;56:361–5. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5615a1.htm>.
87. CDC. Human rabies—Minnesota, 2007. *MMWR* 2008;57:460-462. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5717a3.htm>.

88. CDC. Human rabies—Missouri, 2008. MMWR 2009;58:1207-9. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5843a3.htm>.
89. CDC. Human rabies—Kentucky/Indiana, 2009. MMWR 2010;59:393-6. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5913a3.htm>.
90. CDC. Human rabies—Virginia, 2009. MMWR 2010;59:1236-8. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5938a3.htm>.
91. CDC. Presumptive abortive human rabies—Texas, 2009. MMWR 2010;59:185-90. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5907a1.htm>.
92. CDC. Human rabies-Michigan 2009. MMWR 2011;60:437-40. Available at: [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6014a1.htm?s\\_cid=mm6014a1\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6014a1.htm?s_cid=mm6014a1_w)
93. Greenhall AM. House bat management. US Fish and Wildlife Service, Resource Publication 143;1982. Jamestown, ND: Northern Prairie Wildlife Research Center Online. Available at: <http://www.npwrc.usgs.gov/resource/mammals/housebat/index.htm>.
94. Greenhall, AM. Frantz, SC. Bats. In: Hygnstrom SE, Timm RM, Larson GE, eds. Prevention and Control of Wildlife Damage 1994. Available at: <http://icwdm.org/handbook/mammals/bats.asp>.
95. American Veterinary Medical Association. Model rabies control ordinance. Schaumburg, IL: American Veterinary Medical Association 2008. Available at: <http://www.avma.org/issues/policy/AVMA-Model-Rabies-Ordinance.pdf>.
96. Bunn TO. Canine and feline vaccines, past and present. In Baer GM, ed. The natural history of rabies. 2nd ed. Boca Raton, FL: CRC Press; 1991:415–25.
97. Macy DW, Hendrick MJ. The potential role of inflammation in the development of postvaccinal sarcomas in cats. Vet Clin North Am Small Anim Pract 1996;26:103–9.
98. Gobar GM, Kass PH. World wide web-based survey of vaccination practices, postvaccinal reactions, and vaccine site-associated sarcomas in cats. J Am Vet Med Assoc 2002;220:1477–82.
99. Kass PH, Spangler WL, Hendrick MJ, et al. Multicenter case-control study of risk factors associated with development of vaccine-associated sarcomas in cats. J Am Vet Med Assoc 2003;223:1283–92.
100. Rupprecht CE, Blass L, Smith K, et al. Human infection due to recombinant vaccinia-rabies glycoprotein virus. N Engl J Med 2001;345:582–6.
101. CDC. Human vaccinia infection after contact with a raccoon rabies vaccine bait— Pennsylvania, 2009. MMWR 2009; 58:1204-7. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5843a2.htm>.

# Iowa Code

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### Source:

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS

## CHAPTER 351 DOGS AND OTHER ANIMALS

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**351.1 through 351.24** Repealed by 94 Acts, ch **1173, §42.**

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Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.25 Dog as property.

### **351.25 Dog as property.**

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid rabies vaccination tag attached to the collar, shall be deemed property. Dogs not provided with a rabies vaccination tag shall not be deemed property.

[C24, 27, 31, 35, 39, §~~5447~~; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.25]  
94 Acts, ch **1173, §32**

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Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.26 Right and duty to kill untagged dog.

### **351.26 Right and duty to kill untagged dog.**

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

[C24, 27, 31, 35, 39, §5448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.26]

94 Acts, ch 1173, §33

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Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.27 Right to kill tagged dog.

### **351.27 Right to kill tagged dog.**

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.27]

94 Acts, ch 1173, §34; 2007 Acts, ch 111, §1

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### Source:

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.28 Liability for damages.

### **351.28 Liability for damages.**

The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. [This section](#) does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.28]

83 Acts, ch 117, §1

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Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.29 Construction clause.

## **351.29 Construction clause.**

A holding that one or more sections hereof are unconstitutional shall not be held to invalidate the remaining sections.

[C24, 27, 31, 35, 39, §5451; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.29]

**351.30 through 351.32** Repealed by 67 Acts, ch 118, § 9.

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### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.33 Rabies vaccination.

## **351.33 Rabies vaccination.**

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.

[C66, 71, 73, 75, 77, 79, 81, §351.33]

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## **Document 8 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.34 Repealed by 94 Acts, ch 1173, § 42.

**351.34** Repealed by 94 Acts, ch 1173, § 42.

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### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.35 How and when.

## **351.35 How and when.**

The rabies vaccination required by [section 351.33](#) shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with

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the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog.  
[C66, 71, 73, 75, 77, 79, 81, §351.35]

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#### Source:

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.36 Enforcement.

#### **351.36 Enforcement.**

Local health and law enforcement officials shall enforce the provisions of [sections 351.33 to 351.43](#) relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

[C66, 71, 73, 75, 77, 79, 81, §351.36]

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### Document 11 of 17

#### Source:

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.37 Dogs running at large — impoundment — disposition.

#### **351.37 Dogs running at large — impoundment — disposition.**

A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag or a rabies vaccination certificate is not presented to the local board of health or law enforcement official.

The local board of health or law enforcement official shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of [this section](#), notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in [this section](#), the dog may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in [section 162.2](#).

[C66, 71, 73, 75, 77, 79, 81, §351.37]  
2002 Acts, ch [1130](#), §1

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### Document 12 of 17

#### Source:

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS

# Iowa Code

AND OTHER ANIMALS/351.38 Owner's duty.

## **351.38 Owner's duty.**

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.

[C66, 71, 73, 75, 77, 79, 81, §351.38]

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## **Document 13 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.39 Confinement.

## **351.39 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 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](#) shall 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.

[C66, 71, 73, 75, 77, 79, 81, §351.39]

2001 Acts, ch [19, §1](#); 2001 Acts, ch [176, §68](#)

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## **Document 14 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.40 Quarantine.

## **351.40 Quarantine.**

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the Iowa department of public health. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

[C66, 71, 73, 75, 77, 79, 81, §351.40]

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## **Document 15 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.41 Not a limitation on power of municipalities and counties.

# Iowa Code

## **351.41 Not a limitation on power of municipalities and counties.**

[This chapter](#) does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

[C66, 71, 73, 75, 77, 79, 81, §81, §351.41; 81 Acts, ch 117, §1065]

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## **Document 16 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.42 Exempt dogs.

## **351.42 Exempt dogs.**

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of [sections 351.33](#) to [351.43](#).

[C66, 71, 73, 75, 77, 79, 81, §351.42]

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## **Document 17 of 17**

### **Source:**

Iowa Code/IOWA LAW 2011 MERGED IOWA CODE AND SUPPLEMENT/2011 MERGED IOWA CODE AND SUPPLEMENT/TITLE IX LOCAL GOVERNMENT/SUBTITLE 1 COUNTIES/CHAPTER 351 DOGS AND OTHER ANIMALS/351.43 Penalty.

## **351.43 Penalty.**

Any person refusing to comply with the provisions of [sections 351.33](#) to [351.42](#) or violating any of their provisions, shall be deemed guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §351.43]

© Iowa Legislature

# Scott County Code

## CHAPTER 34

### ANIMAL CONTROL

#### SECTIONS:

- 34-1. PURPOSE AND SCOPE
- 34-2. DEFINITIONS
- 34-3. DOGS AND OTHER ANIMALS AT LARGE
- 34-4. TETHERING OF ANIMALS
- 34-5. UNHEALTHFUL OR INSANITARY CONDITIONS
- 34-6. BARKING DOGS
- 34-7. DANGEROUS/VICIOUS ANIMALS PROHIBITED
- 34-8. IMPOUNDMENT
- 34-9. REFUSAL OF ADMITTANCE
- 34-10. JURISDICTION
- 34-11. ENFORCEMENT
- 34-12. MUNICIPAL INFRACTIONS
- 34-13. SEPARABILITY OF PROVISIONS
- 34-14. APPLICABILITY

#### SEC. 34-1. PURPOSE AND SCOPE

This Chapter establishes responsibilities for animal owners in order to effectively manage animals and to control the danger to public health, safety, and welfare presented by animals in Scott County and provides a mechanism to address animal control issues, problems, complaints.

#### SEC. 34-2. DEFINITIONS

For the purpose of this Chapter these words have the following meanings:

- A. "Animal" means any member of the animal kingdom except human beings.
- B. "Animal Control Officer" means any humane officer employed by a humane society under contract with the County.
- C. "Animal shelter" means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the County or operated under contract with the County for the purpose of the provisions of this Chapter or any other ordinance.
- D. "At large" means off the premises of the owner, whether by accident, design, or otherwise.
- E. "Cat" means all members of the Feline species, male or female, altered or unaltered.
- F. "Dog" means all members of the Canine species, male or

Adopted 07/26/2007

# Scott County Code

## **ANIMAL CONTROL**

female, altered or unaltered.

- G. "Deputy" means a law enforcement official representing the Scott County Sheriff.
- H. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- I. "Health Department" means the Scott County Health Department.
- J. "Health Officer" means the Director of the Scott County Health Department or his duly authorized representative.
- K. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three (3) or more days.
- L. "Person" means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- M. "Sheriff's Department" means the Scott County Sheriff's Department.

### SEC. 34-3. DOGS, CATS, AND OTHER ANIMALS AT LARGE

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal including livestock, to fail to keep the same from running at large in Scott County.
- B. For the purpose of this Chapter, an animal shall not be deemed at large if the animal is on the premises or property of the animal owner or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee.
- C. Notwithstanding the above, at large means off the premises of the owner, whether by accident, design, or otherwise, unless:
  - 1. The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;

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## ANIMAL CONTROL

2. The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;
  3. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.
- D. Notwithstanding any provision to the contrary, dogs or cats injured or killed on or along public streets or public right-of-ways shall be deemed running at large. The Animal Control Officer may remove all such dogs and cats and at his or her discretion take such dog or cat needing medical attention to a veterinarian or animal shelter. The owner or custodian of such a dog or cat shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this Chapter.

### SEC. 34-4. TETHERING OF ANIMALS

No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property other than the owner's.

### SEC. 34-5. UNHEALTHFUL OR INSANITARY CONDITIONS

- A. An owner shall keep all structures, pens, or yards wherein dogs or cats are confined, clean, devoid of vermin and free of odors arising from feces.
- B. No owner or custodian of any dog or cat shall permit their dog or cat to discharge feces upon any public or private property, other than the property of the owner of the dog or cat. The owner or custodian shall not however be considered in violation of this subsection provided he or she takes steps to immediately remove and clean up the feces discharged by the dog or cat from the property.
- C. All feces removed as aforesaid shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner.
- D. An owner may, as an alternative to subsection C above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

### SEC. 34-6. BARKING DOGS

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## **ANIMAL CONTROL**

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. The Animal Control Officer or a County Deputy shall have the authority to use all reasonable means to abate such violation, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog.

### SEC. 34-7. DANGEROUS/VICIOUS ANIMALS PROHIBITED

A. It shall be unlawful for any person to keep or harbor a dangerous or vicious animal. An animal may be deemed dangerous/vicious by the Animal Control Officer based on the criteria specified below. For the purpose of this section, the term dangerous/vicious animal shall include but not be limited to any animal that either:

1. Attacks and/or bites any person or other animal without provocation or;
2. Causes serious injury to a person;
3. Kills livestock or a domestic animal or;
4. In a vicious or terrorizing manner approaches any person or other animal in an apparent attack posture whether or not the attack is consummated.

B. An Animal Control Officer shall immediately seize such dangerous/vicious animal which shall be held for five days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal, the

Animal Control Officer shall cause for the euthanasia of the animal.

C. Dogs used in security or police work shall not be classified as dangerous/vicious if a bit or bites occur while the dog is actually performing in such a capacity.

### SEC. 34-8. IMPOUNDMENT

A. It shall be the duty of the persons authorized by the County to operate an animal shelter to supervise and control such a facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water, and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not reclaimed, and to assist in the enforcement and operation of this Chapter.

B. Upon receipt of a complaint, animals found running at large and abandoned animals may be taken and impounded at the animal shelter and confined in a humane manner.

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- C. Upon impounding an animal, the owner or custodian, if known, shall be given notice of impoundment within two (2) days and the owner shall then have three (3) days to reclaim the animal not counting the day of impoundment.
- D. A person claiming an impounded animal shall pay impoundment fees as established by the animal shelter.
- E. A person claiming an impounded animal shall also pay boarding fees incurred as established by the animal shelter.
- F. A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
- G. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Animal Control Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized.
- H. Animals not reclaimed within the time limitations provided by the Chapter shall become the property of the County or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
- I. The refusal to reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. Any owner or custodian who refuses to pay such expenses shall be in violation of this Chapter and subject to citation for the same.
- J. Neither the County nor the animal shelter, nor their agents and officers enforcing the provisions of this Chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this Chapter.

### SEC. 34-9. REFUSAL OF ADMITTANCE

In the event an Animal Control Officer, a Deputy, or a Health Officer, in proceeding to enter onto a property to carry out the provisions of this Chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County. Said magistrate shall thereupon issue his or her warrant directed to some peace officer of the County commanding him or her, between the hours of sunrise and sunset, accompanied by the Animal Control Officer, a Deputy, or Health Officer, to enter onto such

# Scott County Code

## ANIMAL CONTROL

property and to make such inspection as may be required to carry out the provisions of this Chapter, which order shall be executed by said officer under the direction of the Animal Control Officer, the Deputy, or the Health Officer.

### SEC. 34-10. JURISDICTION

The provisions of this Chapter shall apply in the unincorporated areas of Scott County, Iowa.

### SEC. 34-11. ENFORCEMENT

A. It shall be the duty of the Animal Control Officer, the Sheriff's Deputy, and the Health Officer, or a duly authorized representative of the same to enforce the provisions of this Chapter.

B. Those representatives authorized to enforce this Chapter may issue a civil citation with or without prior notice to any person who is alleged to have committed a municipal infraction.

### SEC. 34-12. MUNICIPAL INFRACTIONS

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this Chapter shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.

### SEC. 34-13. SEPARABILITY OF PROVISIONS

If any section, paragraph, clause or provisions of this Chapter shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Chapter.

### SEC. 34-14. APPLICABILITY

In the event of a difference between the provisions of this Chapter and those contained in applicable state rules and regulations, the most stringent standards will prevail.

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## **CHAPTER 5 ANIMALS <sup>8</sup>**

Date 4-20-1971 3-7-  
1972 9-21-1976 2-21-  
1978

Ord. No. 37-78  
22-86 18-89 8-  
91

Date 6-20-1978 8-5-  
1986 7-6-1989 2-5-  
1991

### **Sec. 5-1. DEFINITIONS:**

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

*Adequate food:* The provision at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.

*Adequate water:* Reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed twenty-four (24) hours at any one interval.

*Animal:* A living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural characteristics such as locomotion.

*Animal control officer :* Any humane officer employed by a humane society under contract with the city, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the city administrator to enforce the provisions of this chapter by means of appropriate police powers.

*Animal shelter :* A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the city or operated under contract with the city for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.

*At heel :* With reference to a dog, shall mean within six (6) feet of a person and subject to that person's strict obedience command.

*Boarding kennel :* A place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.

*Cat :* All members of the feline species regardless of sex.

*Commercial breeder :* A person engaged in the business of breeding dogs or cats who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three (3) or less breeding males or females is not a commercial breeder.

*Commercial kennel :* A kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

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*Commission* : The natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.

*Dog* : All members of the canine species regardless of sex.

*Euthanasia* : The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

*Furbearing animals* : The following which are declared to be furbearing animals for the purpose of regulation and protection under this chapter: beaver, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as furbearing by the commission.

*Guard dog* : Any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog, such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.

*Housing facilities* : Any room, building or area used to contain a primary enclosure or enclosures.

*Owner* : Any person having a right of property in an animal, who keeps or harbors an animal, who has it in his or her care, who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three (3) or more days.

*Person* : An individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.

*Pets*: See the definition of animal in this section

*Pet shop* : An establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.

*Primary enclosure* : Any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.

*Take* : Any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, taking or lying in wait for, or attempting any of the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance. (Ord. 11-99, 4-20-1999)

### **Sec. 5-2. LICENSE REQUIRED:**

- (a) Every dog which is over six (6) months of age shall be licensed by its owner. Failure to license a dog shall subject the owner to the penalty provisions of this chapter. Licenses shall be purchased from Bettendorf City Hall or the Humane Society of Scott County prior to January 31 of each calendar year and shall expire on December 31 of the same year. When an owner applies for a license he or she shall present a certificate of current rabies vaccination signed and administered by a licensed veterinarian which states the date of the

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vaccination, type of vaccination and date of revaccination. In addition, the owner shall pay the license fee of three dollars (\$3.00) for neutered dogs and twenty-five dollars (\$25.00) for unneutered dogs. If a veterinarian certifies that a dog is too old to be neutered, the license fee shall remain three dollars (\$3.00).

- (b) In those cases where a dog is not subject to the licensing requirements because of the dog's age, the owner shall be required to purchase a license within thirty (30) days after the dog becomes subject to the terms of this chapter. The owner of a dog, which becomes six (6) months old after July 1 of any calendar year, shall pay one-half (1/2) of the required fee.
- (c) Notwithstanding the licensing requirements of this chapter, the owner of a dog subject to licensing shall not be required to obtain a city license if any of the following are true: 1) if the owner of the dog is a nonresident of the city temporarily residing within the city (temporary residence shall be residence for 30, or less, continuous days), or 2) if the dog is brought into the city for the purpose of participation in a dog show and is removed from the city immediately after the conclusion of the show.
- (d) Upon proof of loss, a duplicate license tag shall be obtained upon payment of a two dollar (\$2.00) replacement fee.
- (e) When permanent ownership of a dog is transferred, the new owner shall, within fourteen (14) days from the date ownership is assumed, make application for a license. The owner shall pay a fee of one dollar (\$1.00) for the transfer of the previous license records. (Ord. 9-00, 6-6-2000)

### **Sec. 5-3. DISPLAY OF LICENSE:**

The license tag obtained pursuant to section [5-2](#) of this chapter shall be securely attached to a substantial collar which collar shall be worn by the dog at all times. License tags are not transferable to any other dog. Upon demand, the owner of a dog shall display the city license to an animal control officer or Bettendorf police officer. (Ord. 11-99, 4-20-1999)

### **Sec. 5-4. RABIES VACCINATION REQUIRED:**

All dogs, cats, and ferrets shall be inoculated against rabies by a licensed veterinarian after attaining the age of six (6) months. Such inoculation shall be readministered at least once every three (3) years for dogs and cats, once a year for ferrets. An owner acquiring a dog, cat or ferret without a current rabies inoculation certificate shall have the animal inoculated within thirty (30) days after the animal was acquired or the animal reaches the age of six (6) months, whichever occurs first. The owner or custodian of any animal required to be inoculated against rabies shall keep a current rabies tag securely attached to a substantial collar which shall be worn by the animal at all times. (Ord. 11-99, 4-20-1999)

### **Sec. 5-5. REPORT OF BITES REQUIRED:**

- (a) Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the city, shall immediately report such fact to the Bettendorf Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that

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facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.

- (b) Any animal that has been involved in biting a person or other animal must be quarantined for ten (10) days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/or the Scott County Health Department. If an animal is not quarantined at the owner's premises, it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines. (Ord. 11-99, 4-20-1999)

### **Sec. 5-6. LIVESTOCK AND POULTRY PROHIBITED:**

- (a) It shall be unlawful to maintain, keep or harbor any cattle, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.
- (b) It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.
- (c) The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this ordinance, may be continued until such time as the person no longer keeps livestock upon property with the city upon which he or she maintained livestock prior to the enactment of this ordinance, or when such person transfers, sells or otherwise conveys the property upon which such livestock were maintained prior to the enactment of this ordinance. The burden of proving the maintenance of livestock upon a parcel of land within the city prior to the enactment of this ordinance shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock. (Ord. 11-99, 4-20-1999)

### **Sec. 5-7. ANIMAL RUNNING AT LARGE:**

- (a) It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the city. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:

(1) When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian or permittee.

(2) When the animal is confined or restrained upon the premises of the owner or custodian

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within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.

(3) When the animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.

(4) When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six (6) feet in length and under the control of a person competent to restrain and control the animal or is at heel.

(5) When the animal is properly housed in a veterinary hospital or registered kennel.

(b) Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public right-of-ways shall be deemed running at large. The animal control officer or Bettendorf police officer shall remove or have removed all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

(c) Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six (6) feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle. (Ord. 11-99, 4-20-1999)

### **Sec. 5-8. REMOVAL OF EXCREMENT:**

(a) An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and anything that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.

(b) It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.

(c) Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container. (Ord. 11-99, 4-20-1999)

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### **Sec. 5-9. NUMBER OF ANIMALS REGULATED:**

No person shall harbor or maintain such number of animals to create unhealthful or unsanitary conditions for the humans or animals occupying the premises, or create any other conditions constituting a nuisance. If such conditions exist, the Bettendorf Police Department or the Humane Society of Scott County is authorized to make an investigation, and after notice and hearing to the person or persons occupying or maintaining the residence or premises, or the persons harboring or maintaining the animals, the chief of police or the chief's designee may order such number of the animals be removed from the residence or premises to remedy or correct the unhealthful, unsanitary or other conditions constituting a nuisance. Upon the failure of the person or persons to follow the orders issued by the Bettendorf Police Department, appropriate action may be pursued in the courts to enforce the order of the Bettendorf Police Department, and/or correct the conditions and/or abate the nuisance. (Ord. 11-99, 4-20-1999)

### **Sec. 5-10. DAMAGE TO PROPERTY:**

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person. (Ord. 11-99, 4-20-1999)

### **Sec. 5-11. BARKING DOG REGULATIONS:**

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Bettendorf police officer shall have the authority to use all reasonable means to abate such nuisance, including, but not limited to, requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible. (Ord. 11-99, 4-20-1999)

### **Sec. 5-12. IMPOUNDMENT:**

- (a) *Animal Shelter:* The city may establish and maintain a municipal animal shelter or the city may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the city to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Bettendorf Police Department.
- (b) *Impoundment Procedure:* Unrestrained animals found running at large, nuisance animals, neglected animals, and abandoned animals, shall be taken and impounded in the animal shelter and there confined in a humane manner.

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- (c) *Notice:* Upon impounding a licensed animal the owner or custodian of the animal shall be given a written notice of the impoundment by the impoundment authority within two (2) days and the owner shall then have five (5) days to redeem the animal not counting the day of impoundment. If an impounded animal is unlicensed or not displaying a license pursuant to section [5-3](#) of this chapter, the impoundment authority shall have no obligation to search for or provide notice to the owner or custodian.
- (d) *Claim Fees:* A person claiming an impounded dog or cat shall pay an impoundment fee of ten dollars (\$10.00) and a boarding fee of five dollars fifty cents (\$5.50) per day. In addition, a license shall be obtained for an unlicensed dog or cat. A person claiming an animal must also pay any veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal. Impoundment fees for other animals shall be as follows:
- (1) For each swine, sheep, goat, domestic fowl or chicken, goose, duck, or waterfowl impounded, an impoundment fee of fifteen dollars (\$15.00) per day or fraction thereof.
  - (2) For each horse, mule, jack, cow, bull, steer, ox, or similar cattle impounded, an impoundment fee of thirty dollars (\$30.00) per day or fraction thereof.
  - (3) For any animal not specifically mentioned herein, the impoundment fee shall be fifteen dollars (\$15.00) per day or fraction thereof plus the actual expenses, if any, incurred in the care of the animal.
- (e) *Diseased Or Injured Animals:* No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
- (f) *Unclaimed Animals:* Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the city or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.
- (g) *Duty To Pay Fees:* The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
- (h) *Nonliability:* Neither the city nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.  
(Ord. 11-99, 4-20-1999)

### **Sec. 5-13. ENFORCEMENT PROVISIONS:**

- (a) *Citations:* The officers of any humane society under contract with the city, as well as the

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officers of the Bettendorf Police Department, are authorized to issue municipal infraction citations charging violations of any provision of this title. The cited person shall receive a copy of the citation. The officer issuing the citation shall, as soon as practicable, file a copy of the citation with the court in which the person is required to appear.

- (b) *Unlawful To Interfere*: It is unlawful for any person to interfere with, hinder, wilfully prevent or attempt to prevent any police officer, animal control officer, or any person authorized by the city administrator from enforcing this chapter.
- (c) *Inspection Procedures*: Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reason entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- (d) *Immediate Inspection*: Notwithstanding subsection (c) of this section, if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection. (Ord. 11-99, 4-20-1999)

### **Sec. 5-14. NUISANCES:**

- (a) Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the city in violation of this chapter and any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.
- (b) Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated, which time shall be reasonable under the circumstance, and a statement that the city will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person

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residing at the residence who is at least eighteen (18) years old, or by serving the owner or custodian by certified mail, return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

(c) Any person aggrieved by the action of this chapter shall have the following rights of appeal:

(1) Within five (5) days, the person aggrieved may file a written appeal to the city administrator. The city administrator shall, within five (5) days, schedule a hearing, take whatever evidence or information is presented and shall, within two (2) days thereafter, decide to affirm or reverse the decision of issuing authority. If the decision is to reverse, the administrator shall have full power to increase, modify, or revoke the sanction.

(2) If the person is still aggrieved, further appeal shall be requested in writing within five (5) days. Such appeal shall be heard by the city council at its next regularly scheduled meeting. Upon hearing such evidence or information as shall be produced, the council shall decide whether to affirm, modify, or reverse the decision of the administrator. No further appeal shall be granted.

(d) If a person ordered to abate a nuisance neglects or fails to abate as directed, the city may abate the nuisance. If an animal is impounded the owner or custodian shall be notified of the impoundment as provided in section [5-11](#) of this chapter. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer or police officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has agreed to abate the nuisance in some other manner, in which case the animal may be released to the owner or custodian after the payment of any fees or expenses incurred in the care of the animal. If the impoundment is not notified of the owner or custodian's compliance within twenty-one (21) days of the impoundment after the final appeal, the impounded animal may be disposed of as otherwise provided by this chapter. (Ord. 11-99, 4-20-1999)

### **Sec. 5-15. PENALTIES:**

(a) Any violation of this chapter shall constitute a municipal infraction and shall be cited and punishable accordingly.

(b) Notwithstanding section [1-9](#) of this code, the following scheduled fines are fixed for municipal infraction violations:

(1) Of section [5-2](#) of this chapter (licenses) twenty dollars (\$20.00).

(2) Of sections [5-4](#) (rabies vaccine), [5-7](#) (running at large), and [5-8](#) (animal waste) of this chapter, first offense twenty-five dollars (\$25.00), second offense thirty-five dollars (\$35.00), third offense fifty dollars (\$50.00), fourth or subsequent offenses two hundred dollars (\$200.00).

(c) If no scheduled fine is otherwise imposed by this chapter for a municipal infraction violation, the fine imposed shall be imposed by the court and by civil penalty as established in section [1-9](#) of the municipal code. (Ord. 11-99, 4-20-1999)

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### **Sec. 5-16. FEEDING WILD DEER:**

- (a) No person shall directly feed or place food so that it may be found or consumed by deer.
- (b) Penalty for violation of this section shall not be more than a one hundred dollar (\$100.00) fine, or thirty (30) days' incarceration. Each day of violation shall constitute a separate offense. (Ord. 28-06, 11-21-2006)

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## Sections:

- 6.04.010 Definitions.**
- 6.04.020 License required.**
- 6.04.030 Display of license.**
- 6.04.040 Rabies vaccination and reporting.**
- 6.04.050 Report of bites required.**
- 6.04.055 Livestock and poultry prohibited.**
- 6.04.060 Animal running at large.**
- 6.04.070 Mistreatment of animals.**
- 6.04.080 Removal of excrement.**
- 6.04.090 Number of animals regulated.**
- 6.04.100 Wild, exotic or dangerous animals prohibited.**
- 6.04.110 Vicious dogs.**
- 6.04.115 Working service dogs.**
- 6.04.120 Damage to property.**
- 6.04.130 Barking dogs regulations.**
- 6.04.140 Impoundment.**
- 6.04.150 Enforcing provisions.**
- 6.04.155 Notice of violation, confiscation, revocation.**
- 6.04.160 Nuisances.**
- 6.04.165 Reserved.**
- 6.04.170 Penalties.**

**6.04.010 Definitions.**

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

- A. "Adequate food" means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.
- B. "Adequate water" means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed twenty-four hours at any one interval.
- C. "Animal" means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.
- D. "Animal control officer" means any humane officer employed by a humane society under contract with the city, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the city administrator to enforce the provisions of this chapter by means of appropriate police powers.
- E. "Animal shelter" means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the city or operated under contract with the city for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.
- F. "Boarding kennel" means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.
- G. "Cat" means all members of the feline species regardless of sex.
- H. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.
- I. "Commercial kennel" means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.
- J. "Commission" means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.
- K. "Dog" means all members of the species *Canis familiaris*.
  - 1. A "dangerous dog" means any dog that (i) while unmuzzled, unleashed, or without the supervision of a person whose verbal commands are obeyed charges or chases in a terrorizing manner with an apparent attitude of attack any person who is upon a street, alley, sidewalk or other public place; or (ii) has a known propensity, tendency or disposition to attack without provocation or to otherwise threaten the safety of persons or domestic animals; or (iii) an animal trained, owned, or harbored for the purpose, primarily, or in part, of animal fighting.
  - 2. A "vicious dog" means any dog that (i) unprovoked, bites or attacks a person causing bodily injury as defined by Iowa Code 702.18; or (ii) severely injures or kills another domestic animal; or (iii) has been found to be a dangerous dog on two or more occasions.
  - 3. A dog may be declared dangerous or vicious even if it bites, attacks or menaces a trespasser on the dog's owner's property or a person who is contemporaneously tormenting, teasing or abusing the dog.
  - 4. The declaration that a dog is dangerous or vicious shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.
- L. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- M. "Fur-bearing animals" means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by the commission.
- N. "Guard dog" means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.
- O. "Housing facilities" means any room, building or area used to contain a primary enclosure or enclosures.
- P. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.
- Q. "Person" means an individual, partner-ship, corporation, or association and includes any officer, employee, or agency thereof.
- R. "Pet shop" means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.
- S. "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.
- T. "Take" means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance. (Ord. 2003-210 (part): Ord. 02-573 § 1: Ord. 2000-285 § 1: Ord. 93-283 § 1 (part)).

**6.04.020 License required.**

A. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within thirty days of the date they are initially inoculated for rabies and annually within thirty days' time of the date of the current rabies vaccination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.

B. Licenses shall be purchased from the humane society or a consenting veterinarian practicing in Davenport within thirty days of the animal's most recent rabies vaccination date. A person must present evidence of a current rabies vaccination signed and administered by a licensed veterinarian which shows the date of the vaccination, type of vaccination and the date of the next, subsequent revaccination.

C. Licenses are not transferable between animal owners or animals.

D. Annual license fees shall be as follows:

- |   |          |
|---|----------|
| 1. Neutered/spayed dog or cat (altered) | \$10.00  |
| 2. Non-altered dog or cat               | \$30.00  |
| 3. Dog declared dangerous               | \$150.00 |
| 4. Dog declared vicious                 | \$350.00 |

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

E. Residents age sixty or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of one dollar.

F. Altered dogs, duly and properly trained to aid or assist any person who is blind, deaf or physically handicapped, may be licensed for one dollar annually when the dog is owned or maintained by a person actually training the dog to be used to aid or assist persons who are blind, deaf or physically handicapped, or is owned by a blind, deaf or physically handicapped person. The burden of proving that a dog is being trained to assist a person who is blind, deaf or physically handicapped is on the person seeking to license the dog. The humane society may require documentation of the person's affiliation with an organization established for the purpose of training dogs to provide aid or assistance to blind, deaf or physically handicapped persons or whatever evidence the humane society deems satisfactory to establish the validity of such claim.

G. The owner of a dog that has been declared a dangerous dog may qualify to license said dog for the normal licensing fee upon proof that the owner and said dog have attended and successfully completed a dog obedience class or similar program approved by the humane society.

H. Upon proof of loss, a duplicate license tag may be obtained upon payment of a two dollar replacement fee.

I. A person owning or possessing any dog or cat who moves into the city shall obtain a license for said animal within thirty days of the date the person takes up residency in Davenport.

J. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the city:

1. Animals whose owner or custodian is a nonresident of the city and who are visiting within the city temporarily. Temporarily means for a period of time thirty days or less within any consecutive twelve month period.
2. Animals brought into the city for participation in a show, exhibition, demonstration or exhibit and which remain in the city for a period of thirty consecutive days or less.

K. The executive director of the Scott County Humane Society or an animal control officer of the humane society may revoke a person's privilege to license and keep a dog or cat within the city. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the city may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter, except that violations for failing to license a cat, nondangerous dog or nonvicious dog shall not be included as violations leading to revocation within any consecutive twelve month period. A violation shall be shown by a conviction upon a citation or a finding by the deputy city clerk or by a non-appealed notice of violation.

L. An owner or custodian whose privilege has been revoked shall, within ten days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to the humane society or permanently remove the animal from the (city/county) within five calendar days after either the time for appeal has expired or the decision of the deputy city clerk has been served on the owner or custodian. If the animal is found in the city after the five day period, it shall be immediately impounded. Failure to remove a dog or surrender it to the humane society may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform the humane society in writing upon the animal's removal from the city/county the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by the humane society as to the animal. The owner shall provide the humane society with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.

M. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.

N. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by the humane society absent clear and convincing proof that the animal or animals belong to a person visiting the resident.

O. The humane society or animal control officer shall provide the owner or custodian of the animal or animals, as shown on the records at the humane society, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.

P. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one year added to the original period of revocation for each violation of the revocation.

Q. The notice of initial revocation, any notice of the extension of the revocation period, and any notice of confiscation of any animal may be appealed to the city administrator's designee pursuant to the procedures set forth in Section 6.04.155. Any notice sent pursuant to this section shall contain a brief explanation of the violation, the sanction imposed and appeal rights of the person accused. If the accused can demonstrate by clear and convincing evidence that he has played no role in the care, supervision, possession, or control of the animal, the animal shall be returned.

R. When permanent ownership of an animal is transferred, the new owner shall, within fourteen days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

S. An application to license a dangerous or vicious dog must include presentation by the applicant of a certificate of insurance issuance by an insurance company licensed to do business in this state which provides personal liability insurance coverage for the death or injury of any person, or damage to property of others, and for acts of negligence of the owner or owner's agents in the keeping of said dangerous or vicious animal. The minimum amount of coverage shall be fifty thousand dollars for an animal declared dangerous, and one hundred thousand dollars for an animal declared vicious. The certificate of insurance shall also require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If said certificate is not immediately available, a binder that indicates the proper coverage may be accepted for up to thirty days subsequent to the determination that an animal is dangerous or vicious; however, if after thirty days a certificate of insurance or a policy has not been submitted, the animal shall be deemed unlicensed and be disposed of at the discretion of animal control officers. The prescribed insurance coverage, whether it be certificate, policy, or binder, must be obtained within ten days of the declaration of the animal as dangerous or vicious, with retention of the animal by animal control officers until compliance with this subsection is assured. (Ord. 2006-211 § 1: Ord. 2003-210 (part): Ord. 02-573 §§ 2-4: Ord. 2000-285 § 2: Ord. 93-283 § 1 (part)).

#### **6.04.030 Display of license.**

The license tag obtained pursuant to Section 6.04.020 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not trans-ferable to any other animal. Upon demand, the owner of an animal shall display the city license to an animal control officer or Davenport police officer. (Ord. 93-283 § 1 (part)).

**6.04.040 Rabies vaccination and reporting.**

A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age of six months old. Rabies vaccinations shall be readministered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.

B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within thirty days after the animal was acquired or within thirty days of the animal attaining the age of six months, if the animal was not yet six months old when acquired.

C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.

D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the city or its designee. The report shall contain the following information:

1. The name, age and sex of the animal;
2. A general description of the animal;
3. The date the current vaccination was given to the animal;
4. The revaccination date;
5. The vaccination tag number assigned to the animal; and
6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to the humane society within thirty days of the administration of the vaccination. (Ord. 2000-285 § 3: Ord. 93-283 § 1 (part)).

**6.04.050 Report of bites required.**

A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the city, shall immediately report such fact to the Davenport Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.

B. Any animal that has been involved in biting a person or other animal must be quarantined for ten days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.

C. The owner of an animal that has been reported as having inflicted a bite on a person or other animal shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.

D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer. (Ord. 93-283 § 1 (part)).

**6.04.055 Livestock and poultry prohibited.**

A. It shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian pot-bellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.

C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the city provided live-stock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the city proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock. (Ord. 93-283 § 1 (part)).

**6.04.060 Animal running at large.**

A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the city. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:

1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 6.04.110 shall apply.
2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.
3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.
4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.
5. When the animal is properly housed in a veterinary hospital or registered kennel.

B. Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.

D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within five days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees are as follow:

1. For a first violation \$30.00
2. For a second violation \$75.00

\$150.00

4. Fourth violation will result in the revocation of the license to keep the animal.

E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 6.04.140 the humane society may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 6.04.155. (Ord. 2003-210 (part); Ord. 02-573 § 7; Ord. 2002-501 § 1; Ord. 2000-285 § 4; Ord. 93-283 § 1 (part)).

#### **6.04.070 Mistreatment of animals.**

A. A person who does any of the following to an animal commits animal neglect:

1. Confines the animal without adequate food, water or shelter, or in a manner that creates an unreasonable threat to the animal's health or safety;
2. Fails to supply adequate food or water to an unconfined animal owned or cared for by the person;
3. Causes injury or death to an animal when disciplining it;
4. Causes unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.

B. The disposition of a neglected animal shall be governed by state law.

C. No person shall torment, tease or harass any tied, fenced or otherwise confined animal.

D. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the city for the purpose of poisoning any animal. This section shall not apply to a person who exposes poisons about a premises, in accordance with the labeling instructions on the poisonous product, for the purpose of exterminating insects, mice or rats. The use of any poison other than one specifically produced for exterminating insects, mice or rats shall be prima facie evidence of a violation of this section.

E. No person shall abandon any animal or cause such to be done, except that a person may deliver an animal to another person who accepts ownership of such animal or the person may deliver an animal to the humane society.

F. A violation of this section may be charged as a simple misdemeanor.

(Ord. 2000-285 § 5; Ord. 93-283 § 1 (part)).

#### **6.04.080 Removal of excrement.**

A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.

B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.

C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container. (Ord. 93-283 § 1 (part)).

#### **6.04.090 Number of animals regulated.**

A. It is unlawful for any person to keep or maintain at any one location within the city more than four of the following types of animals, those being dogs, cats, ferrets, and pot-bellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the city, or (2) if such animals are kept or maintained upon property zoned as agricultural property within the city, or (3) if said person has applied for and obtained a permit to keep more than four animals from the Humane Society of Scott County and said person keeps said animals within a residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a ten dollar fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.

B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.

C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals. (Ord. 02-573 § 8; Ord. 93-283 § 1 (part)).

#### **6.04.100 Wild, exotic or dangerous animals prohibited.**

A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.

1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than ten feet in length; Gila monsters, alligators, crocodiles and caimans;
2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and nonarboreal.
3. Any species of feline not falling within the categories of ordinary domesticated house cats as established by the American Cat Fancier Association;
4. Bears or any species;
5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;
6. Foxes, wolves, coyotes, or other species not falling within the category of canis familiaris.
7. Any animal of any species known to be vicious or dangerous, excluding canis familiaris.

B. The prohibition contained in Section 6.04.100 A. of this chapter shall not apply to the keeping of poisonous snakes, poisonous reptiles, Gila monsters, crocodiles, alligators and caimans provided that the owner of such an animal is eighteen years of age or older, and that person has either (1) received a bachelor of science degree based upon courses of instruction which included courses in herpetology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least twenty hours duration at an accredited educational institution on the care, handling, and keeping of reptiles, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the city council.

C. The prohibition contained in Section 6.04.100 A., as to non-specified other primates, shall not apply to the keeping of primates provided that the owner of such an animal is eighteen years of age or older, and that person has either a bachelor of science degree based upon courses of instruction which included courses in primatology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least twenty hours duration at an accredited educational institution on the care, handling, and keeping of primates, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the city council.

D. This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the city, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.

E. Any wild, exotic or dangerous animal found within the city in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is

found to be roaming at large within the city, it may, in the discretion of the police department or animal control officer, be destroyed immediately without notice to the owner thereof. The city and its agents shall be under no duty or obligation to capture or otherwise confine the animal.

F. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on the humane society within that time period, the humane society may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, the animal control officer or humane society may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by the humane society or the city which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the city limits. If a wild, exotic or dangerous animal is ever again found to be within the city in violation of this section, it shall be immediately confiscated and disposed of as the humane society deems appropriate.

G. Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The burden of proving the prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals. (Ord. 2000-285 § 6: Ord. 93-283 § 1 (part)).

#### **6.04.110 Vicious dogs.**

A. No person shall keep or maintain any dog that has been declared a vicious and/or dangerous dog unless such dog is kept in an enclosure or on a run line located within a fenced area. The fencing material shall not have openings of more than two inches. Wooden fences shall not have openings of more than two inches. Any gates shall be securable and of such design as to prevent the entry of small children or the escape of the animal, and shall be kept secured. Kennels shall have double walls to prevent the insertion of fingers, hands, or other objects. The enclosure must not be located nearer than ten feet to adjoining property lines or public rights-of-way. The floor of the enclosure must consist of concrete, or a similar material that will prevent the animal from digging its way out of the enclosure.

The run line shall consist of a chain or cable having a tensile strength of at least three hundred pounds which does not allow the dog to get closer than ten feet from adjoining property lines or public right-of-way. In addition, if the dog is kept on a run line within a fenced area, the dog shall be muzzled at all times. If the dog is confined indoors, it shall not be confined on a porch, patio, or in a structure with open windows, screen windows, or screen doors.

B. If a vicious dog is not within an enclosure or on a run-line within a fenced area, the dog shall be either within the owner's residence or muzzled and restrained with a chain or cable leash having a minimum tensile strength of at least three hundred pounds that is no more than four feet in length. If the dog is on a leash, the leash must be controlled by an adult who can control the dog.

C. No person shall keep, use or maintain any dangerous or vicious dog on any premises unless the premises is posted to warn of the presence of dangerous or vicious dogs. Said warning shall consist of a sign placed at each entrance/exit for the premises in a position to be legible from the sidewalk or ground level adjacent to the sign. If the premises is not enclosed by a fence and the dog is kept within an enclosure, a sign shall be posted on every side of the enclosure in a position to be legible from the sidewalk or ground level.

D. No person shall sell, exchange, transfer or give a vicious dog to another person.

E. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.

F. A vicious dog must be neutered or spayed.

G. A vicious dog that inflicts bodily injury on a person or other animal by biting after it has been declared vicious, or a vicious dog not kept or maintained in compliance with this section, constitutes a public hazard and may be seized and destroyed.

H. This section shall not apply to police canines and guard dogs. Guard dogs must be registered with the humane society and licensed and are restricted to property zoned non-residential. The annual fee for registration of a guard dog shall be ten dollars. The registration form shall include the dog's location by address; the dog's gender and general description, the dog's current city license number, the dog's current rabies vaccination number, and the name of an emergency contact person who is available twenty four hours a day. Guard dogs shall be confined to a fenced in area that is adequate to prevent the dog from escaping the fenced area. The fenced area shall be clearly posted with warning signs.

I. Any dog declared vicious must have an identification microchip inserted by a veterinarian and to have at least two color photographs taken of said dog to be placed on file with the animal control office. This shall be done within ten days of the dog being declared vicious and at the expense of the dog's owner or custodian.

J. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right to seize and impound the dog if any of the conditions and specifications established by this section for the keeping of vicious dogs are not being met. (Ord. 2003-210 (part); Ord. 2000-285 § 7: Ord. 93-283 § 1 (part)).

#### **6.04.115 Working service dogs.**

A. For purposes of this section, the following words and phrases shall have the assigned meanings.

1. "Working service dog" means any dog trained to detect or to guard, protect, patrol or defend any premises, area or yard, in the custody and control of a handler.

2. "Handler" means any person who has custody and control of a working service dog within the city.

3. "Working service dog service" means engaging in the business of providing working service dogs in the city.

B. No person shall engage in the business of providing working service dog service in the city or to act as a handler, unless said person has obtained a license as required by this section prior thereto.

C. No person shall own or have the care or custody of a working service dog unless the person has secured a working service dog license, tag and identification number from the city or its agent. The fee for each working service dog license shall be ten dollars. No working service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.

D. An application for a license to operate, maintain and conduct working service dog service in the city shall be filed, together with an application fee of two hundred dollars, with the city or its agent. The application shall state the name, address, type of organization of working service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the city attorney, in the sum of three hundred thousand dollars blanket coverage for the working service dog service. The working dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the working service dog service. Notice of proposed cancellation of the insurance or bond shall be provided to the city or its agent not less than thirty days in advance of the cancellation date.

E. Each applicant for a working service dog handler license shall be a natural person and shall pay an annual fee of one hundred dollars and shall be required to carry insurance or a surety bond in the amount of one hundred thousand dollars covering the same items as set forth in subsection D above. A working service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.

F. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.

G. Every handler or owner of a working service dog shall see to it that such animal wears a clearly visible tag approved by the city or its agent at all times it is within the city unless the dog is performing a working service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Working Service Dog, Tag No., City of Davenport," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the city or its agent and shall be replaced by the city or its agent at the cost provided for other tags as stated in this chapter.

H. Any working service dog service or handler that sells or otherwise transfers ownership of any working service dog shall, not less than ten days after the transfer,

file a report with the city or its agent containing the name and address of the person to whom such dog was given, a description and identification tag number of the dog, and any other information the city or its agent deems necessary.

I. Any person whose working service dog is lost or stolen or whose dog has died shall, within twenty-four hours of the loss or theft, or within ten days of the death, file a report with the city or its agent containing a description and identification tag number of the dog, and any other information the city or its agent deems necessary.

J. A working service dog, properly registered as required by this section, in the custody and control of a licensed working service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a working service dog service or licensed handler.

(Ord. 02-573 § 9).

#### **6.04.120 Damage to property.**

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person. (Ord. 93-283 § 1 (part)).

#### **6.04.130 Barking dogs regulations.**

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Davenport police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible. (Ord. 93-283 § 1 (part)).

#### **6.04.140 Impoundment.**

A. The city may establish and maintain a municipal animal shelter or the city may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the city to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Davenport Police Department.

B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

C. Notice. Upon impounding a licensed animal the owner or custodian of the animal shall be given a written notice of the impoundment by the impoundment authority within two days and the owner shall then have five days to redeem the animal not counting the day of impoundment. If an impounded animal is unlicensed or not displaying a license pursuant to Section 6.04.030 the impoundment authority shall have no obligation to search for or provide notice to the owner or custodian.

D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be as follows:

1. For each dog, cat, ferret or similar animal a fee of six dollars and fifty cents per day for the animal's care, food, water and shelter.
  2. For each domestic fowl, chicken, goose, duck or waterfowl a fee of ten dollars per day for the animal's care, food, water and shelter.
  3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a fee of thirty dollars per day for the animal's care, food, water and shelter.
  4. For any animal not specified herein, a fee of twenty-five dollars plus actual expenses incurred for the animal's care, food, water and shelter.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
- F. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the city or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.
- G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
- H. Neither the city nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

(Ord. 2000-285 § 8: Ord. 93-283 § 1 (part)).

#### **6.04.150 Enforcing provisions.**

A. Humane society employees, animal control officers and Davenport police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Davenport police officer may enforce a violation of a section as a simple misdemeanor.

B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the city administrator in the enforcement of this chapter.

C. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

D. Immediate Inspection. Notwithstanding Section 6.04.170 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

(Ord. 2000-285 § 9: Ord. 93-283 § 1 (part)).

#### **6.04.155 Notice of violation, confiscation, revocation.**

A. An animal control officer, police officer or the legal department may send a notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals, extension of the period of revocation, confiscation of an animal or a declaration that a dog is declared dangerous or vicious. A notice of violation under this section shall be sent upon the request of a victim of a

vicious dog attack as defined in Section 6.04.010K,2.

B. The notice of violation shall briefly state the type of notice it is, the facts prompting the notice, the administrative sanction imposed, the notice recipient's appeal rights and the date by which the recipient must request a hearing, not less than five days after the date of the notice, or waive their right to a hearing.

C. The notice of violation shall be either hand-delivered by the animal control officer or police officer or be sent by certified mail.

D. The notice recipient may appeal a notice of violation by requesting a hearing in writing before the city administrator's designee(s). If the recipient of the notice does not appeal, the notice of violation sanctions imposed are final. If an appeal is properly requested, then an informal appeal hearing shall be held before the city administrator's designee(s) as soon as practicable. At the informal hearing, both the city and the notice recipient or the recipient's legal counsel may present evidence and cross-examine witnesses. The hearing officer may also ask questions of witnesses. The hearing officer shall render a written decision within thirty days after the conclusion of the hearing. (Ord. 2006-211 § 2: Ord. 2003-210 (part): Ord. 02-573 § 5: Ord. 2000-285 § 10).

#### **6.04.160 Nuisances.**

A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the city in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.

B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the city will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least eighteen years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

C. Any person ordered to abate a nuisance may request a hearing on the order to abate by delivering a written request for a hearing to the deputy city clerk. Such a request must be delivered prior to the time specified in the notice to abate or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. Any hearing so requested shall be held within fourteen days of the date the written appeal is delivered to the deputy city clerk, unless stipulated otherwise by the parties, and shall be held by the city administrator's designee. At the conclusion of the hearing, the city administrator's designee shall render a decision as to: 1) whether a nuisance exists; 2) if so, what steps the person must take to abate the same; and 3) the time frame for the abatement.

D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the city may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of the humane society. (Ord. 2006-211 § 3: Ord. 2003-210 (part): Ord. 2000-285 § 11: Ord. 97-247 § 1: Ord. 93-283 § 1 (part)).

#### **6.04.165 Reserved.\***

#### **6.04.170 Penalties.**

A. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.

B. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.

C. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 6.04.155 of this chapter.

D. The following scheduled fines are established for municipal infractions:

1. Section 6.04.020 (Licenses) \$20.00;

2. Section 6.04.030 (Display of tags); Section 6.04.040 (Rabies vaccination); Section 6.04.060 (At large); and Section 6.04.080 (Animal waste: (i) first offense \$30.00; second offense \$40.00; third offense \$50.00; fourth or subsequent offense up to \$200.00;

3. Section 6.04.110A or B (Vicious dog): first offense \$250.00; second offense \$500.00; third or subsequent offense \$750.00.

E. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed five hundred dollars for a first offense and seven hundred fifty dollars for a second or subsequent offense. (Ord. 02-573 § 6: Ord. 2002-501 § 2: Ord. 2000-285 § 12: Ord. 93-283 § 1 (part)).

\***Editor's Note:** Prior ordinances codified herein include portions of Ordinances 75-3, 78-920 and prior code §§ 4-1, 4-3, 4-4, 4-9, 4-10, 4-11, 4-11A and 4-11B.

\***Editor's Note:** Former Section 6.04.165, Animal hearing commission, previously codified herein and containing portions of Ordinance No. 2003-210 and 2003-523, was repealed in its entirety by Ordinance No. 2006-211.