CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

4. "Business" means any enterprise relating to any of the following:

   A. The sale or offer for sale of goods or services.

   B. A recruitment for employment or membership in an organization.

   C. A solicitation to make an investment.

   D. An amusement or entertainment activity.

5. "Disposition" means adoption, foster care, humanely destroyed or euthanasia.

6. "Fair" means any of the following:

   A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa.*

   B. An exhibition of agricultural or manufactured products.

   C. An event for operation of amusement rides or devices or concession booths.

7. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa.*

8. "Illegal animal" means:

   A. Badgers, wolverines, weasels, skunk and mink;

   B. Raccoons;

C. Bats;

D. Scorpions;

E. Any dog which has attacked a human being or domestic animal one or more times, without provocation.

9. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.

(Code of Iowa, Sec. 717.1)

10. "Owner" means any person owning, keeping, sheltering or harboring an animal.

11. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

12. "Vicious animal" means:

A. Any animal which has attacked a human being or domestic animal one or more times, without provocation while at large;

B. Any animal with a history to cause injury or to otherwise endanger the safety of human beings or domestic animals while at large;

C. Any animal that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes; or

D. Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the Police Department, the County Sheriff, a law enforcement agency in the State of Iowa or of the United States or a branch of the armed forces of the United States.

55.02 ANIMAL CARE. All owners of any animal shall comply with the following standards of care. Failure to comply with any standard shall be a violation of this section.

1. Every owner shall provide adequate food, shelter, and water for each animal. To provide adequate food means providing at intervals appropriate for the species a quantity of wholesome food stuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal.

2. Every owner shall provide adequate outdoor shelter for such animal when it is kept outdoors, which means a structurally sound, weather-proof, properly ventilated shelter, which provides access to shade from direct sunlight and protection from exposure to weather conditions. The shelter should be appropriate for the particular species and breed.

3. Every owner shall provide adequate indoor shelter for such animal when it is kept indoors, which means a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature, and to provide for its health and comfort. It should be appropriate for the particular species and breed.

4. Every owner shall provide adequate sanitation, which means periodic cleaning or sanitizing housing facilities and any area where the animal is confined or restrained to remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors and disease hazards.

5. Every owner shall provide adequate space, which means primary enclosures and housing facilities shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. The space shall be appropriate for the particular species.

6. Every owner shall provide adequate veterinary care, which means that a sick, diseased, or injured animal shall be provided with a proper program of care by a veterinarian, or humanely euthanized. All animals shall be provided with proper immunizations and preventive health care including parasite control.

7. Every owner shall provide adequate water, which means reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner and secured so that the animal can't turn the container over. If potable water is not accessible to the animal at all times, it shall be provided daily, for such duration and of sufficient quantity as appropriate for the species.

8. Every owner shall keep the animal cleaned and provide proper grooming as appropriate for the species.

55.03 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.04 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.05 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

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

55.07 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. All dogs must be on a leash no longer than six feet and under the control of a competent person when on public property or on the premises of anyone other than the owner. Any animal found at large shall be deemed to be so with the permission or at the sufferance of its owner. For allowing the animal to run at large, the owner

shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of $25.00, and for a second offense, $50.00. For third offense and for failure to pay the fine shall be grounds for the filing of a complaint in the Magistrate Division of the District Court.

55.08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.10 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any purpose or in any capacity within the City.

55.11 KEEPING OF VICIOUS ANIMALS.

1. Confinement. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring, or having the care of a vicious animal shall permit such animal to go unconfined upon the premises of such person and shall not permit the animal to go beyond the premises unless the animal is confined. A vicious animal is unconfined unless the following conditions are met:

A. Leash and Muzzle. No person shall permit a vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both the dog and the leash are under the physical control of a person 18 years of age or older. Such animals may not be leashed to inanimate objects such as trees, posts, fences, buildings, or any other object or structure. In addition, all vicious animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

B. Enclosure. All vicious animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section. Such pen, kennel, or structure must have secure sides at least six feet in height and a secure top attached to the sides. All structures to confine vicious animals must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than one foot, and the structure must be located at least 10 feet away from any property line. All structures erected to house vicious animals must comply with all zoning and building regulations of the City and with Section 55.02 of this chapter. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or

screen doors are the only obstacles preventing the animal from exiting the structure.

2. Insurance. The owner of any vicious animal shall provide proof to the City Clerk of general liability insurance of not less than $100,000.00 per occurrence for bodily injury to or death of any person or persons or for damage to property which may result from the ownership, keeping or maintenance of such vicious animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless 10 days' written notice is first given to the City Clerk.

3. Signs. All owners of vicious animals that are dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel, pen, or other enclosure of such animal.

4. Identification. All owners of vicious animals must provide to the City Clerk two color photographs of the animal clearly showing the color and approximate size of the animal.

5. Reporting Requirements. All owners of vicious animals must report within 10 days of its occurrence the following information in writing to the City Clerk:

A. The removal from the City or death of a vicious animal;

B. The new address of a vicious animal owner if the owner moves within the City limits or if the vicious animal is sold or transferred to another owner.

55.12 LIMITED TYING OF ANIMALS. It is unlawful for a person to tie or leash any dog or other animal to inanimate objects such as trees, posts, stakes, fences, buildings, or any other object or structure at any time between 10:00 p.m. and 6:00 a.m. Any animal that is tied or leashed at other times must be tied or leashed so that it does not become entangled and is prevented from reaching within 10 feet of any property line.

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

(Code of Iowa, Sec. 351.33)

55.14 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.15 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it 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 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment and the animal will be removed from the

City. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.16 IMPOUNDMENT AUTHORIZED WHEN. A law Enforcement officer or designee shall place all animals they take into custody in a designated animal impound facility. The following animals may be taken into custody by the officer or designee and impounded without filing a complaint:

1. Any animal running at large contrary to the provisions of this chapter;
2. Any abandoned animal;
3. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;
4. Any animal defined in 55.05 or not confined as required by 55.15 of this chapter.

55.17 HOLDING PERIOD, NOTICE, DISPOSITION. Animals shall be impounded for a minimum of three (3) working days before further disposition, except as otherwise provided herein. Any animal which is impounded that is wearing a current rabies tag and or other identification designating the owner of the animal, and where such owner may be contacted, shall be impounded for a minimum of seven calendar days before further disposition. Reasonable effort shall be made to notify the owner of any animal microchipped or wearing other identification during that time. Written notice shall be sent within forty eight (48) hours of impoundment and be deemed given when sent to the last known address.

55.18 IMPOUNDMENT REDEMPTION CONDITIONS. The owner of any impounded animal, or such owner's authorized representative, may redeem such animal before disposition, provided he or she pays the fees and charges as listed below, according to the amounts listed:

1. The impound fee of $25.00.
2. The daily board charge of $15.00.
3. Veterinary costs incurred during the impound period, including vaccinations.
4. Transportation fee, if transportation of an impounded animal specialized equipment was required.
5. Any other expenses incurred to impound an animal in accordance with State or local laws.
6. Any unpaid or past due animal services fees or fines incurred by the owner.

55.19 ANIMAL COMPLAINTS AND TRAPS. If law enforcement or a designated official receives a complaint from a citizen that there is a cat or other small animal running at large or trespassing on private property, a trap may be furnished and placed on or near the property of the complainant under the supervision of the official. The complainant will notify the official when an animal is trapped. The official will pick up the animal and trap for disposition.

55.20 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

55.21 ANIMAL WASTE ON OTHER PEOPLE'S PROPERTY. It is unlawful for any owner or person in charge of a dog, cat, horse, or other animal to fail to properly and immediately dispose of, clean up, and/or remove any solid waste or droppings excreted or deposited by the dog, cat, horse, or other animal on any other person's property, whether privately or publicly owned. This section shall not apply to animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity.

55.22 NUMBER OF ANIMALS. It is unlawful to own, keep, harbor, or allow to remain on any premises within the City more than a total combination of three dogs of any species. This section does not apply to dogs kept for temporary boarding (not more than two weeks at a time) in kennels, so long as the operators of the kennel are licensed by the State of Iowa. This section does not apply to animal hospitals and veterinarians when such animals are held for temporary boarding (not more than two weeks at a time). The young produced by any pets permitted under this chapter may be maintained with the parent animals for a period not to exceed 12 weeks. Any owner of property, any tenant or person in control of property, or any owner of the animal, who commits or allows a violation of this section will be punished as a municipal infraction. In addition the City may treat any violation of this section as a nuisance, abate the nuisance as set forth in Chapter 50, and assess the costs to any owner, tenant and/or person in control of the property or any of the animals, and/or to the property itself. This section does not limit the City's authority under Chapter 50 to cite any property or person with three or fewer animals as a nuisance, if it otherwise qualifies.

55.23 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

   A. A prize for participating in a game.

   B. A prize for participating in a fair.

   C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

   D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

   A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

   B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

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