

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. "Animal at large" means an animal running or found within the City upon any street, alley, sidewalk, public or private ground. An animal shall not be deemed at large if:
 - A. It is on the premises of its owner or upon the premises of either its owner or a person consenting to its presence.
 - B. It is under the control of a person, competent to restrain and control the animal either by leash, cord, chain or similar restraints not more than six (6) feet in length, or properly restrained within a motor vehicle.
 - C. It is properly housed in a veterinary hospital or registered kennel.
 - D. It is accompanied by or at heel beside or obedient to the commands of the owner or a person capable of controlling the animal or carried by a competent person capable of controlling and restraining the animal.
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. "Dangerous animal" means any animal that:
 - A. Without provocation causes a serious injury to a person or domestic animal; or
 - B. Has been designated as a potentially dangerous animal and engages in behavior that poses a threat to public safety as defined in subparagraph (1)(a) of this paragraph or serious injury as defined in subparagraph (1)(b) of this paragraph.
 - (1) "Potentially dangerous animal" means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

a. Without provocation causes an injury to a person or domestic animal on public or private property that is less severe than a serious injury;

b. Without provocation, chases or approaches a person, a domestic animal, or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack, causing injury or otherwise threatening the safety of humans or domestic animals;

c. Without provocation acts in a highly aggressive manner within a fenced yard or enclosure and appears, to a reasonable adult, able to jump over or escape;

d. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape; or

(2) “Serious injury” means any physical injury incurred by an animal that results in a major bone fracture, muscle tears, disfiguring lacerations or requires multiple sutures or corrective surgery or cosmetic surgery.

C. Has been designated as a dangerous animal, potentially dangerous animal or serious injury by another jurisdiction.

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. “Kennel” means a facility designed to commercially breed, board or house animals for a fee. (*Ord. 727 – Aug. 17 Supp.*)

~~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.

55.02 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)

55.03 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)

55.04 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)

55.05 LIVESTOCK. ~~It is unlawful for a person to keep livestock within the City, except a person may keep up to three (3) horses on a lot of ten (10) acres or more.~~

(Ord. 727 – Aug. 17 Supp.)

1. No horse, cow, calf, swine, sheep, goat, llama, camel, ostrich, peacock, chicken, goose, duck or other agricultural animal or any nondomestic animal shall be kept within the city's corporate limits on any lot or parcel of land, except as provided under subsections 6 of this section of the code. The area where any such animal is kept shall be 25 feet from any neighboring residential dwelling and not located in a front yard area. The keeping of bees in hives is exempted from this section.
2. No such animal shall be kept on the same lot or premises with any multiple dwelling.
3. Any animal kept on an acreage shall be kept for personal use only and not for commercial use.
4. No person having the care of any cow or cattle of any kind, horse, swine, goat, fowl, or other animal, domestic or nondomestic, shall permit the animal to run at large as defined in subsection 55.01(3) of this chapter within the corporate limits.
5. Small caged animals and fowl such as pigeons, quail, and chickens which are of such type and nature that state and national associations exist establishing norms for breeding, confining and rearing shall be allowed, provided that:
 - A. Cages, hutches, coops, or other confinement shall be at least 25 feet away from any neighboring residence; such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards.
 - B. The area is maintained free of odors, insects and rodents, and disturbing noises such as crowing, cackling and gobbling, causing no safety or health hazards to the general public or interfering with the enjoyment of life and property by any neighboring resident.
 - C. Any building or part thereof used for housing animals shall be well ventilated, and its walls, floors and ceilings shall be tight and of such material, satisfactory to the environmental health officer and building official, that they may be readily washed, disinfected and painted.
 - D. All enclosed yards, barns, sheds, or other structures used to house animals as permitted under this article shall be maintained clean, free from manure, insects and offensive odors at all times.
 - E. Animals and fowl included in this subsection shall be fed in the confines of their enclosures; all grains and food shall be stored in rodentproof containers.
 - F. On any parcel of land, such animals shall be limited to 6 females in total number, unless an equivalent amount to 6 female chickens based on state and national standards are permitted.

- G. No animal or fowl under this subsection may be maintained, enclosed or fenced in the front yard of a dwelling or within a dwelling.
 - H. The young produced by any animals or fowl of this nature may be maintained with the parent animals for a period of approximately eight weeks but in no case more than ten weeks, unless by state and national standards a longer period is required.
6. Nothing in subsection (f), (g) or (h) of this section shall be construed as abrogating any requirement in this Code which requires the licensing or permitting of any animal or the keeping thereof.
 7. Except as provided in subsection (f), (g) or (h) of this section, this article shall apply to all persons harboring, any animal in a manner not consistent with this article.
 8. Animals inclusive of such animals and fowl in this section brought in on a temporary basis for exhibits, shows, or educational purposes are exempt from this section, provided all other requirements under this Code are met.
 9. Any person presently owning or maintaining animals that are not in compliance with this chapter may make application to the City Council for a variance, provided such application meets the following conditions:
 - A. The keeping of such animals has been of long-standing duration, that is, in excess of three years, or is presently under commercial contract.
 - B. The area where such animals are maintained is so located as to cause no safety or health hazards to the general public or interferes with the enjoyment of life and property by any neighboring resident.

Any such variance is conditioned upon all circumstances for the granting of the variance remaining constant. The City Council, city administrator, or city administrator's designee may revoke the variance at any time after notice and opportunity for comment by the applicant, of it is determined that due to changed circumstances, the presence of the animals is causing a safety or health hazard to the general public or interferes with the enjoyment of life and property by any neighboring resident.

10. Any person who fails to perform an act required by the provisions of this chapter or who commits an act prohibited by the provisions of this chapter shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. The owner of said animal shall pay the sum of \$50.00 for each offense *(Ord. 795)*

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles. The owner of said dog shall pay the sum of \$25.00 for a first offense, a fine in the sum of \$50.00 for the second offense and a fine in the sum of \$75.00 for a third and subsequent offense. *(Ord. 688 – Mar. 16 Supp.)*

55.09 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)

55.10 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)

55.11 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.12 IMPOUNDMENT. It is the duty of the City, through its agents or police force, to apprehend any animal found at large contrary to the provisions of this chapter and, upon apprehension, such animal shall be impounded in the City pound or other suitable place provided for by the City. Upon receiving of any such animal, it shall be the duty of the City to attempt to ascertain the owner or custodian of said animal and to notify said owner or custodian at the earliest opportunity; and, in the event that said owner cannot be located, the duly authorized representative of the City shall post for seven (7) days upon the City bulletin board a description of the animal in question and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon furnishing the proof of vaccination and all costs and charges incurred by the City for impounding and maintenance of said animals, and in addition thereto, for the first offense shall pay the sum of \$25.00, for the second offense the sum of \$50.00, for the third offense the sum of \$75.00 and in the event that there is a fourth offense, the animal in question may be deemed a nuisance and destroyed, or in the alternative, \$100.00 shall be paid.

55.13 DANGEROUS ANIMALS. It is the duty of all owners or custodians of animals known to be dangerous to protect the public from the same; that is, to confine the animal in question in such a manner so as to prevent said animal from having access or contacting any other animal or person on or off the premises of the owner or keeper. It is further the duty of a person harboring a known dangerous animal to post the premises occupied by said animal or animals with a printed warning of the danger, said sign to be posted in a conspicuous place so that persons entering said premises shall be so warned. No animal designated by another jurisdiction as a dangerous animal shall be allowed in the City limits. If it has been determined that an animal designated as a dangerous animal by another jurisdiction is located in the City limits, the police or other authorized officers of the City are authorized to immediately impound the animal pursuant to Section 55.12 of the Code and cite the owners or custodians of said animal.

55.14 LOCATION OF KENNELS. No kennel, as defined herein, shall be located within 300 feet of any residence within the City.

55.15 TRAPS PROHIBITED. It is unlawful for any person to rig, set, or maintain any steel-jaw leg hold trap, humane trap (Conibear) snare or box-type trap within that portion of the corporate limits south of the North River of the City. Upon application to the City Council, and after review of said application, the Council may permit the use of box-type (“have a heart”) traps to capture animals or fowl, to be removed from the City by designated public officials charged with the responsibility for the care, keeping or destruction of said animal or fowl.

55.16 ANIMAL EXCRETA. The owner or custodian of any animal is responsible for the immediate removal of any excreta deposited by said animal on any public walk, park, boulevard, recreation area, or other public right-of-way, or on any private property outside the owner’s or custodian’s own property. The owner or custodian of any animal is responsible for the removal of any excreta deposited by said animal in any kennel or any other location on the owner’s or custodian’s property. The owner of said animal shall pay the sum of \$25.00 for a first offense, a fine in the sum of \$50.00 for the second offense and a fine in the sum of \$75.00 for a third and subsequent offense. *(Ord. 688 – Jan. 16 Supp.)*

55.17 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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