

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "At large" means found within the City upon any street, alley, sidewalk, public or private grounds. A dog, properly licensed as required by law, is not deemed to be at large if:
 - A. It is on the premises of the owner, or
 - B. It is under the control of a person competent to restrain and control the dog, either by leash, cord, chain or other similar restraint or properly restrained within a motor vehicle, or
 - C. It is properly housed in a veterinary hospital or kennel, or
 - D. It is accompanied by or at "heel" beside and obedient to the commands of the owner or a competent responsible person.

Notwithstanding any other provision of this chapter, any dog is deemed at large at any time when attacking persons or domestic animals, destroying property, or on a public school ground except when under restraint as set out in subsections B and D of this section. Further, any female dog in heat is deemed at large at any time when not under restraint as set out in subsections A and C of this section.

3. "Cat" means and includes both male and female animals of the feline species.
4. "Dog" means and includes both male and female animals of the canine species.
5. "Kennel" means any business premises on which four or more dogs, or four or more cats, six months old or older, are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.

6. “Licensed cat” means any cat bearing a currently valid license under Chapter 57 of this Code of Ordinances.

7. “Licensed dog” means any dog bearing a currently valid license under Chapter 57 of this Code of Ordinances.

8. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.

(Code of Iowa, Sec. 717.1)

9. “Owner” means any person owning, keeping, sheltering or harboring an animal.

10. “Pet shop” means any person engaged in the business of breeding, buying, selling or boarding animals of any species, except the operation of a kennel, agricultural or wild life pursuits.

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 which 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 which 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 by written consent of the Council or except in compliance with the City’s zoning regulations.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep, chickens or other similar animals or fowl to run at large within the corporate limits of the City. Any such animal or fowl at large may be impounded. The penalty for violation of this section is \$25.00 for the first offense within any one-year period, \$50.00 for the second offense within any one-year period,

and \$70.00 for the third offense, and each offense thereafter, within any one-year period.

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 or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 RABIES VACCINATION. Every owner of a dog or cat which is six (6) months of age or over shall obtain a rabies vaccination for such animal. It is unlawful for any owner to own or have a dog or cat in said person's possession within the City which is six (6) months of age or over, which has not been vaccinated against rabies.

(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 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 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. 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 two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

55.12 NUMBER OF ANIMALS LIMITED. Not more than four (4) dogs or cats or combinations thereof over the age of six (6) months shall be kept by any person on any premises in the City except in bona fide kennels or pet shops. Not more than two (2) of any one or combination of horses, cattle, or other bovine animals, sheep, goats or swine shall be kept by any person on any parcel of less than five (5) acres in area.

55.13 NUMBER OF FOWL LIMITED. Not more than twelve (12) of any one or any combination of poultry, pigeons or other fowl shall be kept by any person or persons on any parcel of land less than one and a half (1½) acres in area.

55.14 SLAUGHTERING RESTRICTED. No person shall slaughter any horse, bovine animal, sheep, goat or swine on any parcel of land less than five (5) acres in

area, for any commercial or personal use, other than as otherwise permitted by this Code of Ordinances.

55.15 GRAZING AND FEEDING. On any parcel of land less than five (5) acres in area, no grazing or feeding shall be permitted, nor any structure or enclosure for housing, feeding or caring for horses, cattle or other bovine animals, sheep, goats, swine, poultry or other fowl, except pigeons, shall be located, within one hundred fifty (150) feet from any human habitation or within fifty (50) feet of the property line of the parcel of land upon which such animals are kept.

55.16 REMOVAL OF DEAD ANIMALS. It is unlawful for any person to place any dead animal in any street or other public place in the City or to allow any dead animal which said person owned, or of which said person had control, to remain in any street or other public place or on the premises of any person within the City for more than five (5) hours. Should an animal die in any street or other public place or on the premises of any person within the City, then the person who owned or had possession and control of the animal prior to its death shall remove or cause to be removed the carcass within five (5) hours after the time the animal dies, and have the same desiccated or cremated. Should any person violate the provisions of this section by failing to remove or cause to be removed said carcass within said time and have the same desiccated or cremated, the City may cause such carcass to be removed and have the same desiccated or cremated and said person shall make payment to the City in the amount of thirty-five dollars (\$35.00) as a fee therefor.

55.17 CONTRACT FOR IMPOUNDING. The City may enter into a contract with any health department or any public or private agency or organization for the use of its facilities for the restraining and impounding of dogs, cats, or other animals, for assisting in the collection of unlicensed dogs and cats, and for the destruction or disposition of such animals as provided by ordinance or law. All animals so impounded shall be given humane care.

55.18 NOTICE OF IMPOUNDING. It is the duty of the Police Department to give notice to the owner of any animal impounded if such owner's name and address appear on the animal's collar or if such owner is otherwise known.

55.19 DOGS AND CATS TO BE KEPT SEVEN DAYS. All dogs and cats shall be kept not less than seven (7) days after being impounded, unless sooner redeemed by the owner in accordance with this chapter.

55.20 REDEMPTION OF LICENSED ANIMALS. The owner of an impounded licensed dog, cat or other animal which is not required to be held for observation may claim and redeem such dog, cat or other animal upon payment of a twenty-five dollar (\$25.00) impounding fee for the impoundment of such dog, cat or other animal, a fifty dollar (\$50.00) impounding fee for the second impoundment within one year of any other impoundment of any dog, cat or animal owned by such owner or a seventy dollar (\$70.00) impounding fee for each impoundment of any dog, cat or other animal thereafter that is owned by such owner within said one year period. If the owner of an

impounded licensed dog, cat or other animal which is not required to be held for observation does not claim and redeem the animal, the owner shall be required to pay the same impoundment fee provided in this section. Notwithstanding the above, if the City turns over the dog, cat or other animal to the Animal Rescue League or any other third party for impoundment, then the owner shall pay the fee charged by such third party in lieu of the impoundment fee charged by the City.

55.21 REDEMPTION OF UNLICENSED ANIMALS. The owner of an impounded unlicensed dog, cat or other animal which is not required to be held for observation may claim and redeem such dog, cat or other animal upon payment of a seventy dollar (\$70.00) impounding fee for the impoundment of such dog, cat or other animal, and upon payment of the license fee, if any, plus penalties, as provided, and upon proof that the dog or cat has been vaccinated for rabies as required by Section 55.09 of this chapter. If the owner of an impounded unlicensed dog, cat or other animal which is not required to be held for observation does not claim and redeem the animal, the owner shall be required to pay the same seventy dollar (\$70.00) impoundment fee provided in this section. Notwithstanding the above, if the City turns over the dog, cat or other animal to the Animal Rescue League or any other third party for impoundment, then the owner shall pay the fee charged by such third party in lieu of the impoundment fee charged by the City. For purposes of this section, the term “unlicensed” does not include any dog, cat or other animal that is not required to have a license under the provisions of this Code of Ordinances or other applicable law.

55.22 DISPOSITION OF ANIMALS. At the expiration of seven (7) days’ impoundment, an unredeemed dog, cat or other animal, if not being held for observation, at the discretion of the pound keeper, may be humanely destroyed, or may be sold to a new owner. At the expiration of the observation period, an unredeemed dog, cat or other animal being held for observation, at the discretion of the pound keeper, may be humanely destroyed or may be sold to a new owner.

55.23 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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