

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. "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.

6. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
7. “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.
8. “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)
9. “Owner” means any person owning, keeping, sheltering or harboring an animal.
10. “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.
11. “Vicious animal” means and includes:
 - A. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - B. Any dog that snaps, attempts to bite a human being or domestic animal, or manifests a disposition to snap or bite;
 - C. Any dog that, unprovoked, chases or approaches anyone in a menacing fashion off the owner’s property;
 - D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes; or
 - E. Any dog 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 of the state or of the United States or a branch of the armed forces of the United States.

A dog shall not be deemed to be “vicious” if the threat or injury: (a) is caused by a person who is assaulting the dog’s owner, committing a willful

trespass or tort upon the owner's premises, or provoking, tormenting, or abusing the dog or can be shown to have done so repeatedly at other times, (b) is a response to pain or injury, or is to protect itself, its kennel, its offspring, or its owner's property, or (c) is inflicted by a dog owned by a law enforcement agency in the line of duty.

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 shall mean 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 shall mean 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 shall mean 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 shall mean 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 shall mean 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 shall mean 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 shall mean 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 which 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 which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.05 ABANDONMENT OF ANIMALS. No person shall abandon any animal within the City limits. Abandonment shall include ceasing to provide control over, shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person.

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.

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 BEES. It is unlawful to own, keep or maintain an apiary or honeybees within the City.

55.11 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter or harbor any illegal animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter or harbor such animal for any purpose or in any capacity within the City.

55.12 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 (6) 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 (6) 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 (1) foot, and the structure must be located at least ten (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 ten (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 ten 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.

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

(Code of Iowa, Sec. 351.33)

55.14 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 pm

and 6:00 am. 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 ten (10) feet of any property line.

55.15 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)

55.16 QUARANTINE. If the Police Department or a local board of health receives information that an animal has bitten a person or that an animal is suspected of having rabies, the Police Department or board shall order the owner to confine such animal for a period of ten (10) days at a veterinary clinic. If the owner fails to confine such animal in the manner directed, the animal shall be seized and humanely destroyed. All costs of quarantine and confinement shall be paid by the owner. A quarantined animal may only be recovered by the owner upon payment of all quarantine and confinement costs, upon meeting any licensing requirements, by having it immediately vaccinated (if unvaccinated), and, if a vicious animal, by showing compliance with the sections of this chapter governing vicious animals before the animal is recovered. This section does not apply if a law enforcement service dog used by a law enforcement agency and acting in the performance of its duties has bitten a person.

55.17 SEIZURE AND IMPOUNDMENT. Any animal found to be in violation of this chapter may be seized and impounded or, at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder. Any vicious animal found to be in violation of this chapter a second time shall be removed from the City or destroyed by euthanasia.

55.18 DISPOSITION OF IMPOUNDED ANIMALS. An impounded animal may only be recovered by the owner upon payment of all impounding costs, upon meeting any licensing requirements, by having it immediately vaccinated (if unvaccinated), and, if a vicious animal, by showing compliance with the sections of this chapter governing vicious animals before the animal is recovered. If the owner fails to redeem the animal within three (3) days from the date that the animal is impounded, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

55.19 IMPOUNDING COSTS. Impounding costs are \$10.00 per day.

(Code of Iowa, Sec. 351.37)

55.20 CLEAN UP AFTER ANIMALS. Any person who walks or takes an animal upon public property, public right-of-way, parks, school grounds, playgrounds or the private property of another person shall clean up, remove and dispose of solid waste excreted or deposited upon such public or private property by such animal. This section does not apply to an animal under the direct control of a person with disabilities, which animal is specially trained for the purpose of assisting such person.

55.21 ANIMAL COMPLAINTS AND TRAPS. If the Police Department receives a complaint from a citizen that there is a cat or other small animal running at large or trespassing on private property, a member of the Police Department may furnish a trap to be placed on or in the property of the complainant under the supervision of the officer. Such trap shall be furnished in compliance with the policy procedures of the Police Department. The complainant may notify the Police Department when an animal is trapped and an officer shall pick up the trap and animal. If the trapped animal is a feral cat, it shall be humanely destroyed.

55.22 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

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 which 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.

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.