

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinances pertaining to Animal Protection and Control:

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

9. "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 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 RELEASING OR MOLESTING DOGS. Any person except the owner of a dog or an authorized agent who willfully opens any dog kennel or gate on any private premises for the purpose of enticing or enabling any dog to leave such private premises and be at large is guilty of a misdemeanor. Further, any person who willfully molests, teases, or provokes or mistreats a dog which is confined on its owner's premises is guilty of a misdemeanor. Nothing contained herein relieves the owner of any dog from responsibility for any damage committed by such dog as provided by the laws of the State.

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 RABIES VACCINATIONS. Every owner of a dog or cat shall obtain a rabies vaccination for such dog or cat and shall have and upon request of a City officer produce a Certificate of Vaccination signed by a licensed veterinarian showing that the dog or cat has been vaccinated against rabies and that the vaccination has not expired at the time of examination of said certificate. 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.

55.11 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)

55.12 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)

55.13 INFECTED DOGS. Any dogs that appear to be infected with rabies after being impounded or during an attempt to impound such dogs may be disposed of in any manner deemed reasonable and prudent to the Mayor, and by the Mayor's order.

55.14 VICIOUS DOGS. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring, or having the care of a vicious dog shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is securely leashed and muzzled.

1. For the purpose of this section, a "vicious dog" means:
 - A. Any dog with a known propensity, tendency, or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping, or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
 - B. Any dog of that breed known variously as American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier; or
 - C. Any dog of mixed breed which contains a strain of such breeds or which is identifiable as such by a qualified veterinarian duly licensed in the State.
2. A vicious dog is unconfined unless such dog is securely confined in a dwelling house; or completely enclosed in a locked, enclosed fence, pen, or other structure having a height of at least six feet. Such pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure, and if the fence, pen, or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described above.
3. A vicious dog is not required to be muzzled when shown in an American Kennel Club Show or a show sanctioned by the American Kennel Club or when securely confined in a private vehicle and inaccessible to persons other than those within the vehicle.

55.15 FEMALE DOGS. No female dogs while in season shall be off the premises of their owners except while such dogs are confined in an established boarding kennel or veterinary hospital or are being transported to such kennel or veterinary hospital.

55.16 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall 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.

55.17 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded within the City limits, the City shall attempt to identify and contact the owner. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. The City shall hold an animal no longer than 24 hours or the next business day. The animal will then be transported to an animal shelter or veterinary clinic. The owner may then secure release of the animal only upon payment of the fees charged by the shelter or clinic, plus the City fees.

55.18 IMPOUNDING COSTS. Impounding costs are established by resolution of the Council.
(*Code of Iowa, Sec. 351.37*)

55.19 CITY RESPONSIBILITY. Neither the City nor any City officer has any responsibility to ascertain before complaint is made that a dog present in the City has been vaccinated against rabies or other diseases or that any dog present in the City is or is not known to be vicious or dangerous.

55.20 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.
 - 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.