

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Limitation on Number of Domestic Animals
55.02 Animal Neglect	55.10 Vicious Dogs
55.03 Livestock Neglect	55.11 Rabies Vaccination
55.04 Abandonment of Cats and Dogs	55.12 Owner's Duty
55.05 Livestock	55.13 Confinement
55.06 At Large Prohibited	55.14 At Large: Impoundment
55.07 Damage or Interference	55.15 Disposition of Animals
55.08 Annoyance or Disturbance	55.16 Impounding Costs
	55.17 Kenneling Required

**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 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.
3. "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)*
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

**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 an animal to run at large within the corporate limits of the City.

**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 LIMITATION ON NUMBER OF DOMESTIC ANIMALS.** No household within the corporate limits of the City shall maintain more than three (3) separate or combination of three domestic animals together with litters therefrom up to the age of six (6) months. This section does not apply to kennels or veterinary clinics in agricultural, commercial or industrial zoning districts. *(Ord. 482 – Aug-04 Supp.)*

**55.10 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner. Any dog adjudged vicious or found vicious by the Court must be removed from the corporate limits of the City within five (5) days of said finding. If the dog is not removed from the corporate limits of the City within five (5) days of said finding, then the City shall have the authority to remove the dog from the corporate limits of the City or have the dog humanely destroyed. *(Ord. 428 - Dec. 01 Supp.)*

**55.11 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 kennels and not allowed to run at large are not subject to these vaccination requirements.

*(Code of Iowa, Sec. 351.33)*

**55.12 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)*

**55.13 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.

*(Ord. 437 – Dec. 01 Supp.)*

*(Code of Iowa, Sec. 351.39)*

**55.14 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.

**55.15 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be given in not less than two (2) days to the owner, if known. Impounded animals may be recovered by the owner upon payment of an impounding fee, as set forth below, plus costs of food and care in a reasonable amount, and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within five (5) days of the date of notice, or if the owner cannot be located within five (5) days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

*(Ord. 433 – Dec. 01 Supp.)*

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.16 IMPOUNDING COSTS.** The following fee schedule is based upon the number of times an animal has been impounded for violations of this Code of Ordinances within a twelve-month period:

**Fee Schedule**

First Offense .....	\$ 25.00
Second Offense.....	\$ 50.00
Third and Following Offenses.....	\$ 100.00

**55.17 KENNELING REQUIRED.** Kenneling is required within the corporate limits of the City with regard to the following animals when they are not under the direct control and supervision of the owner.

1. Pit bull terriers, including the following:
  - A. The Bull Terrier breed of dog;
  - B. The Staffordshire Bull Terrier breed;
  - C. The American Pit Bull Terrier breed;

- D. The American Staffordshire Terrier breed;
  - E. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
  - F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.
2. Dogs of the breed or “mixed breeds” of Akita, Rottweiller, Doberman, or Chow.

A “kennel” shall be defined as an enclosed structure with walls at least five feet high, fastened to a concrete base at least 3½" thick, and having a secure top.

*(Ord. 429 – Dec. 01 Supp.)*

[The next page is 315]