

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Rabies Vaccination
55.02 Animal Neglect	55.11 Owner's Duty
55.03 Livestock Neglect	55.12 Confinement
55.04 Abandonment of Cats and Dogs	55.13 Trapping of Animals Prohibited
55.05 Livestock	55.14 Animals At Large: Impoundment
55.06 Animals At Large Prohibited	55.15 Disposition of Animals
55.07 Damage or Interference	55.16 Impounding Costs
55.08 Annoyance or Disturbance	55.17 Pet Awards Prohibited
55.09 Vicious Dogs	55.18 Duty to Remove and Dispose of Animal Waste

**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, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.

*(Ord. 322 – Sept-03 Supp.)*

*(Code of Iowa, Sec. 717.1)*

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

5. "Vicious dog" means:

A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;

B. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

C. Any dog that snaps, bites or manifests a disposition to snap or bite;

D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;

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, a law enforcement agency of the State or United States or a branch of the armed forces of the United States;

F. Any Staffordshire Terrier breed of dog;

G. Any American Pit Bull Terrier breed of dog;

- H. Any American Staffordshire Terrier breed of dog; or
- I. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

*(Ord. 291 – Sept-03 Supp.)*

6. “Excrement” means feces and/or manure, and may be referred to as “animal waste”.

*(Ord. 386 – Dec. 08 Supp.)*

**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 ANIMALS AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. An animal, properly registered pursuant to Chapter 58 of this Code of Ordinances, shall not be deemed at large if:

1. The animal is on the premises of the owner or a person given charge of the animal by the owner and is either:

- A. Restrained on those premises by an adequate protective fence, or by leash, cord, chain or other similar restraint that does not allow an animal to go beyond the owner's real property line; or
  - B. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the animal by the owner. At no time shall the animal be more than six feet from such person.
2. The animal is off the premises of the owner and is:
    - A. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the animal; or
    - B. Accompanied by the owner or other person competent to restrain and control the animal, and the animal is immediately obedient to voice or electronic commands of that person; or
    - C. Properly restrained within a motor vehicle.
  3. The animal is properly housed in a veterinary hospital or registered kennel.
  4. The owner and the animal are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
  5. The animal and the owner are actively engaged in a generally recognized animal obedience training program or training for a generally recognized kennel club event, provided:
    - A. The animal is in the actual presence of the owner or trainer at all times;
    - B. The owner or trainer is at no time more fifty (50) feet from the animal;
    - C. The animal is immediately obedient to the commands of the owner or trainer; and
    - D. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the animal.

An animal shall be deemed to be at large if it is not properly registered or if it is not housed, restrained or controlled in one of the methods set forth above in this section. The owner of any animal allowed to run at large in violation of this section shall be guilty of a municipal infraction.

*(Ord. 341 – Nov. 05 Supp.)*

**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 VICIOUS DOGS.**

1. Confinement. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed on property owned or leased by the dog's owner. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six inches taller than any internal structure. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or 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 two (2) feet so as to prevent digging under the walls by the confined dog. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any porch of a house or structure that would allow the dog to exit such building on its own volition.

2. Leashing. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length, and further provided that when leashed such dog must be on property owned or leased by its owner. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

3. At Large. A vicious dog which is found, more than twice in any calendar year, not to be confined as herein required, shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal shall be humanely destroyed.

*(Ord. 291 – Sept-03 Supp.)*

**55.10 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)*

**55.11 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.

*(Ord. 312 – Sept-03 Supp.)*

*(Code of Iowa, Sec. 351.39)*

**55.13 TRAPPING OF ANIMALS PROHIBITED.** It is unlawful for any person to trap or ensnare any animal within the City, except where such trapping or ensnaring is for the protection of public or private property with the prior written permission of the Police Chief. Such trapping or ensnaring shall not, however, be prohibited upon property within the limits of the City which has been zoned as an Agricultural District as provided in Chapter 165 of this Code of Ordinances, and with the consent of the owner or tenant of such property, so long as such acts are in conformance with the laws of the State of Iowa.

**55.14 ANIMALS AT LARGE: IMPOUNDMENT.**

1. Registered animals found at large in violation of this chapter shall be returned to their owner, provided that any one animal has not been found at large in violation of this chapter more than three times during the life of that animal. The owner of such a registered animal shall, however, be subject to the penalties provided for a municipal infraction, as set forth in Section 55.06 of this chapter.

2. Unregistered animals found at large in violation of this chapter, and any registered animal found at large in violation of this chapter on more than three occasions during that animal's lifetime, shall be seized and impounded.

*(Ord. 341 – Nov. 05 Supp.)*

**55.15 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

*(Ord. 313 – Sept-03 Supp.)*

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

**55.16 IMPOUNDING COSTS.** Impounding costs for animals seized pursuant to Section 55.14 of this Code of Ordinances are two hundred dollars (\$200.00).

*(Ord. 341 – Nov. 05 Supp.)*

*(Code of Iowa, Sec. 351.37)*

**55.17 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717.E)*

1. Definitions. As used in this section, the following terms are defined:

A. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

B. "Business" means any enterprise relating to any of the following:

(1) The sale or offer for sale of goods or services.

- (2) A recruitment for employment or membership in an organization.
  - (3) A solicitation to make an investment.
  - (4) An amusement or entertainment activity.
- C. “Fair” means any of the following:
- (1) 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.
  - (2) An exhibition of agricultural or manufactured products.
  - (3) An event for operation of amusement rides or devices or concession booths.
- D. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
- E. “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.
2. 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. *(Ord. 358 – Feb.-07 Supp.)*
  - 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.
3. 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.

*(Ord. 334 – Oct. 04 Supp.)*

**55.18 DUTY TO REMOVE AND DISPOSE OF ANIMAL WASTE.** On any public property (including the right-of-way, or the parking or terrace), or on any private property neither owned or leased by the subject person, it shall be the duty of each person who owns, possesses, or controls an animal to immediately remove and dispose of any excrement left by the animal or animals on any public property, or any private property neither owned nor leased by such person. Any person who owns, possesses, or controls an animal and abandons such animal's excrement contrary to the provisions of this section is in violation of this Code of Ordinances. The following persons are exempted from the requirements of this section:

1. A handicapped person with an animal who is physically unable to comply, and/or whose trained animal is serving as a guide.
2. A peace officer when using a horse or dog for police purposes.

*(Ord. 386 – Dec. 08 Supp.)*

[The next page is 281]



## CHAPTER 58

# REGISTRATION OF DOGS AND CATS

58.01 Purpose

58.02 Annual Registration

58.03 Application Requirements

58.04 Registration of a Vicious Dog

58.05 Unregistered Vicious Dogs

58.06 Registration Fees

58.07 Registration Tag

58.08 Transfer of Registration on Change of Residence

58.09 Transitional Provisions

**58.01 PURPOSE.** The purpose of registering and tagging dogs and cats is for identification if the pet is lost, to prevent pets from being destroyed as stray, and for the safety of residents of the City by using the registration process as a way of tracking the location in the City of any vicious dogs as defined in Chapter 55 of this Code of Ordinances.

### **58.02 ANNUAL REGISTRATION.**

1. The owner of every dog or cat six months old or over (except dogs or cats owned by the operator of a federally or state licensed kennel and kept in that kennel, shall register said dog or cat with the City Clerk by completing a required application form prior to January 1 of each year.
2. The application for registration may be made at any time during the year for a dog or cat which has come into the possession or ownership of the applicant or which has reached the age of six months after January 1, providing such registration is made within thirty (30) days of the applicable event.

**58.03 APPLICATION REQUIREMENTS.** The owner of a dog or cat for which registration is required shall provide proof of current vaccination against rabies, and shall complete an application for registration, which shall be in writing on blanks provided by the City Clerk, and shall state the breed, sex, age, color, and name of the dog or cat; and the address, telephone number(s), and signature of the owner. The application shall also state the date of the most recent rabies vaccination and the date for revaccination. The owner shall state whether a dog being registered is a "vicious dog" as defined in Section 55.01(5) of this Code of Ordinances.

**58.04 REGISTRATION OF A VICIOUS DOG.** An application to register a vicious dog, as defined in Section 55.01(5) of this Code of Ordinances, must include, in addition to the information required in Section 58.03, presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this State, providing personal liability insurance

coverage as in a homeowner's policy, with a minimum liability coverage amount of \$100,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or his or her agents, in the keeping or owning of such vicious dog. The certificate will require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this section. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted or if the required insurance is cancelled during the registration year, the dog shall be deemed unregistered and subject to the provisions of Section 58.05.

**58.05 UNREGISTERED VICIOUS DOGS.** All unregistered vicious dogs shall be deemed illegal animals. The person harboring or keeping an unregistered vicious dog may have the animal removed from the City. If, however, the animal is again found unregistered in the City or if the person holding or keeping the animal chooses not to remove it from the City, the dog shall be destroyed.

**58.06 REGISTRATION FEES.**

1. The registration fee for each dog or cat is five dollars (\$5.00). If the animal is not spayed or neutered, the registration fee for each dog or cat is twenty dollars (\$20.00). An applicant claiming that an animal is spayed or neutered shall present as evidence a certificate from a qualified veterinarian which contains the name and address of the owner, and the name, color, sex, and breed of the animal.
2. There is a five dollar (\$5.00) late fee for each dog or cat not registered by February 1 of each year.
3. A person with a disability, who owns a dog specially trained at a recognized training facility to assist a person with such a disability, shall, upon application and proof of such disability and that the dog has been so trained, have that dog registered without charge.
4. A pet owner who is 65 years of age or older may, upon application for a dog or cat registration, have one dog or one cat per household registered for a fee of one dollar (\$1.00). The fee for additional pets shall be as provided in subsection (1) of this section.

**58.07 REGISTRATION TAG.** Upon registration of a dog or cat and receipt of the registration fee, the City Clerk shall deliver or mail to the owner of the

dog or cat a registration tag, which shall at all times for the term of the registration be kept on the dog or cat. Upon the filing of an affidavit that the registration tag has been lost or destroyed, the owner may obtain a replacement tag upon the payment of two dollars (\$2.00) to the City Clerk.

**58.08 TRANSFER OF REGISTRATION ON CHANGE OF RESIDENCE.** When a dog or cat licensed or registered in one county or city is permanently transferred to this City, the owner shall, within thirty (30) days of such transfer, surrender the original license or registration to the City Clerk. The City Clerk shall retain the surrendered tag and, without registration fee for that calendar year, shall issue a new tag pursuant to this Chapter upon completion of the required registration application. The City Clerk shall record the fact that the newly issued tag is issued as a transfer and is in lieu of the surrendered license or registration.

**58.09 TRANSITIONAL PROVISIONS.** This chapter shall become effective on January 1, 2006. The City Clerk shall accept registration applications for animals for calendar year 2006 at any time after September 1, 2005.

*(Ch. 58 – Ord. 341 – Nov. 05 Supp.)*