

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.

(Code of Iowa, Sec. 717E.1)

2. “Animal” means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. “Animal control officer” means any person or persons on call whose job duties include or are primarily assigned to enforce the laws and regulations pertaining to animal control, regulation and protection. “Animal control officer” includes City police officers.

4. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

5. “At large” means off the premises of the owner and on other premises or upon the public streets, alleys, public grounds, school grounds or parks within the City. An animal is not deemed to be at large if:

- A. The animal is confined in a cage or motor vehicle; or
- B. The animal is restrained by a leash of sufficient length and strength to control its action.

6. “Business” means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

- 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.

7. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

(Code of Iowa, Sec. 717.B1)

8. “Dangerous animal” means:

- A. Badgers, wolverines, weasels, skunk and mink.
- B. Raccoons.
- C. Bats.
- D. Scorpions.Opossums.
- E. Piranhas.
- F. Vicious animals as defined in this chapter.

(Section 55.01 – Ord. 227 – 9-12-2022Supp.)

9. “Fair” means any of the following:

(Code of Iowa, Sec. 717E.1)

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.

10. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.

(Code of Iowa, Sec. 717E.1)

11. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

(Code of Iowa, Sec. 717.B1)

12. “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)

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

14. “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.

(Code of Iowa, Sec. 717E.1)

15. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

(Code of Iowa, Sec. 162.2)

16. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation

of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

(Code of Iowa, Sec. 162.2)

17. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

(Code of Iowa, Sec. 717.B1)

18. “Vicious animal” means any of the following:

A. Any animal, except for a dangerous animal as listed above, that has attacked, bitten, or clawed a person while running at large and the attack was unprovoked; or,

B. Any animal, except for a dangerous animal as listed above, that has exhibited vicious tendencies in present or past conduct, including such that said animal:

(1) Has attacked, bitten, or clawed a person causing injury; or,

(2) Has bitten more than one person during the animal’s lifetime; or,

(3) Has bitten one person on two or more occasions during the animal’s lifetime; or,

(4) Has attacked any domestic animal or fowl without provocation, causing injury or death while off the property of the owner.

(5) Has displayed aggressive behavior including, but not limited to, showing teeth, growling, or running or chasing after people, even if on a leash.

(Section 55.01 – Ord. 227 – 9-12-2022Supp.)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

(Code of Iowa, Sec. 717B.3)

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

- (1) A condition caused by failing to provide for the animal's welfare as described in this section.
- (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

- (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
- (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

(Section 55.02 – Ord. 218 – Dec. 20 Supp.)

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 that 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. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

(Code of Iowa, Sec. 717B.8)

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

(Section 55.04 – Ord. 218 – Dec. 20 Supp.)

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.

1. All dogs and cats, regardless of age, must be leashed at all times unless confined by a tether within or on the owner's property. No dogs or cats may be tethered on or to public property, including public rights-of-way, nor shall any dog or cat tethered on private property be able to enter onto public property or public right-of-way, including sidewalks. Dogs and cats shall not be tethered and left unattended when off the owner's property or on any front yard. If the owner is present and supervising the animal on the owner's premises, an exception to the leash law is made. Unleashed pets accompanied by their owners while jogging, cycling, visiting parks or anywhere on public property are in violation of the law.

2. If a dog or cat strays, it may be impounded and the owner or keeper may be cited for having an animal at large. The citation is a summons to court with the punishment and/or fine determined by the judge. A pet that is impounded is not being punished—it's being protected.

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 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. 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.

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 State or federally licensed 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 that 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 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 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

55.14 DISPOSITION OF DANGEROUS ANIMALS. When there is reasonable cause to believe that an animal is dangerous, the Sheriff's Office is granted the independent authority to require an owner of an animal to permanently remove the animal from the City. Such requirement will be directed in writing to the owner and the owner will immediately comply. If an owner contests that an animal is a dangerous animal, the owner may petition the Council within seven days of notice and request a hearing on the matter. However, from the time of written notice and through the time of a hearing, the owner must comply with the written directive and keep the animal outside of the City. If upon written notice, an owner refuses to remove or at any time brings or keeps the animal in the City, an animal control officer may take custody of the animal and the animal may be held in impound until a hearing is held. The animal owner will be responsible for all costs associated with impounding and boarding the animal until the time of the hearing. If after a hearing, the Council determines the animal to be a dangerous animal, the animal may be euthanized or humanely killed if it is found to be in the City and the owner shall be responsible for the costs. The provisions of this section do not prohibit the immediate destruction of a dangerous animal which is in the act of threatening public safety or which cannot be expeditiously apprehended without substantial risk to any person. The exception to this policy is any animal specifically trained for and actually providing assistance as a service animal to a person with a disability. To qualify for this exception, the service animal must meet the statutory and regulatory requirement of the Americans with Disabilities Act and be under the handler's control.

55.15 RESCUE AND IMPOUNDING OF ANIMALS. Whenever an animal is found to be either running at large, neglected, abused, in need of rescue or kept in violation of this chapter, an animal control officer may impound the animal at a veterinary clinic or animal shelter. The owner of the animal shall be responsible for actual costs attributed to the care and maintenance of the animal. In addition to those costs, the owner of the animal shall be responsible for the payment of the administrative fee as set by resolution of the Council.

55.16 REDEMPTION OF IMPOUNDED ANIMALS. Impounding costs and administrative fees shall be established by resolution of the Council as may be necessary to recover all costs, fees, and charges incurred by the City for impounding and maintaining the animal. All costs shall be paid before the animal is released. The owner of the dog or cat shall furnish satisfactory evidence that the dog or cat is licensed before release.

55.17 AUTHORITY GRANTED TO ANIMAL CONTROL OFFICERS. When investigating or enforcing this chapter, an animal control officer shall have the right and authority to enter upon private property for the purpose of inspecting any premises or to inspect, apprehend, impound, or rescue any animal. Such entrance onto private property shall not include entering a domicile unless entry is made with consent of a person with the authority and right to grant consent into the domicile or entry is made into the domicile pursuant to a search warrant issued by a court or otherwise in a manner consistent with the laws of this State and of the United States.

55.18 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two 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 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.

(Code of Iowa, Sec. 351.37, 351.41)

55.19 DEAD ANIMALS. The owner of any dead animal within the City shall properly bury or otherwise properly dispose of the same within 24 hours.

55.20 UNSANITARY OR OFFENSIVE CONDITIONS PROHIBITED. Any person who uses, keeps or harbors or owns any animals or domestic animals shall keep the same confined in an enclosed building, fenced enclosure or yard. Dogs or cats shall be allowed to be kept on a restraint consisting of a chain, rope or leash strong enough to adequately restrain such dog or cat. Any pen, yard, pasture, or place in which animals are kept or confined must be kept sanitary by not allowing any filth, manure, excrement, or other offensive matter to accumulate in such quantities as to create an offensive or unsanitary condition to exist.

55.21 SANITATION. It is unlawful for any owner, keeper or walker of any animal to permit said animal to discharge or deposit said animal's feces upon any public or private property within the City, other than the property of the owner of the animal, if such owner, keeper or walker does not immediately thereafter remove and/or clean up and dispose of said animal's feces or solid waste excreted from the public or private property. Public property includes (but is not limited to) public rights-of-way, parks, walking trails, school grounds, and playgrounds. In addition, it is unlawful for the owner or person in charge of any dog, cat, or other animal to fail to keep the premises where the animal is kept in a clean and sanitary condition at all times. No owner shall allow waste matter from the animal to collect and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous, or offensive condition, or so as to create an odor. Wastes on owner's, keeper's or harborer's property shall be cleaned up and properly disposed of at least once every 48 hours. 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 a person. Any violation of this chapter would be considered a municipal infraction under Chapter 3 of this Code of Ordinances and punishable by civil penalty as noted therein.

55.22 NUMBER OF DOMESTIC ANIMALS. The combined number of dogs/canine and cats/feline older than three months shall not exceed six per residence or place of business (excluding a bona fide pet store, animal grooming shop, licensed kennel, educational institute, circus, carnival, or veterinary hospital treating such animals). A dog/canine or a cat/feline is considered full-grown at the age of 12 weeks of age.

55.23 ANIMAL COMPLAINTS AND TRAPS. If the City Clerk, Mayor, or animal control officer receives a complaint from a citizen that a cat or other small animal is running at large or trespassing on private property, the City may furnish a trap to be placed on or in the property of the complainant under the supervision of the City. The complainant shall notify the City Clerk, Mayor, or animal control officer when an animal is trapped and a City representative shall pick up the trap and animal. The trapped animal will be impounded or humanely destroyed.

55.24 DOGS AND CATS HABITUALLY IN VIOLATION. It is unlawful for any person to keep within the City any dog or cat for which the owner has been fined three times within a 12-month period under Chapter 55 and/or 56 of this Code of Ordinances.

55.25 ACTIONS OF DOGS OR CATS CONSTITUTING A NUISANCE. It is unlawful for an owner of a dog or cat to allow or permit such dog or cat to perform the following:

1. Other Premises. To pass upon the premises of another thereby causing damage to, or interference with, the premises.
2. Cause Annoyance. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, meowing or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.
3. Cause Damage. To cause any damage or defilement to the public or private property.

4. Molest Persons. To molest or harm any person on public or private property.
5. Molest Animals. To molest, attack, or kill wildlife, birds, or domestic animals on public or private property.
6. Accumulation of Animal Waste. The keeping of pet animals on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to the health of the animal or adjacent property owners.
7. To run at large, whether the cat or dog is licensed or unlicensed.
8. Damages, soils, defiles or defecates on public or private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
9. Causes unsanitary, dangerous or offensive conditions.
10. Any cat or dog that is repeatedly found at large, or if a dog or cat has violated offenses within this chapter repeatedly. "Repeatedly" means three times.

55.26 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

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 that 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.

55.27 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

- A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
- B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.

2. This section shall not apply to an act taken by any of the following:

- A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
- B. A peace officer.
- C. A veterinarian.
- D. An animal shelter or pound.

(Section 55.27 – Ord. 218 – Dec. 20 Supp.)

55.28 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

- A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.

- B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
- 2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

(Section 55.28 – Ord. 218 – Dec. 20 Supp.)

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