

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. The following terms are defined for use in this Chapter.

- "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 7178.1*)
- "Attack" means any mauling, scratching, tearing, or damaging of clothing or other items of personal property or the mauling of any domesticated animals.
- "At-large" means off the premises of the owner or custodian, and not on a leash and under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
- "Bite" means any puncturing of the skin or "bite marks" that are still visible 24 hours later.
- "Dangerous animal" means any undomesticated animals that have a natural propensity to bite, scratch or otherwise cause injury to people.
- "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. 7178.3*)
- "Owner/custodian" means the person who has the care, custody or control of the animal at the time of being at-large or an attack, whether or not the person is the actual owner of the animal.
- "Vicious animal" means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting himself/herself in a place where he/she may lawfully be. An animal is

deemed to be vicious, or have vicious propensities, when it meets any one or more of the following:

- A. Attacks and bites any person without provocation while at-large or which could not be controlled or restrained at the time of the attack by the owner/custodian to prevent the occurrence whether on or off the owner's/custodian's property.
- B. Bites more than one person during the animal's lifetime, or bites one person on two (2) or more occasions during the animal's lifetime.
- C. Attacks any domesticated animal or fowl without provocation, causing injury or death, while off the premises of the owner/custodian.

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 RESCUE OF THREATENED ANIMALS. If the city's police or other employees determine that Section 55.02 or 55.03 are being violated they may take steps for the rescuing such animal(s) under Iowa Code, Section 717B.5.

55.05 DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City.

55.06 VICIOUS ANIMALS PROHIBITION.

1. No person shall keep, shelter or harbor an animal that has been found to be vicious for any reason within the City.
2. No person shall keep, shelter or harbor any animal in the City that has

previously been found to be vicious in violation of the ordinances, codes or statutes of any other political subdivision.

55.07 EXCEPTIONS TO THE VICIOUS ANIMAL PROHIBITION.

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times and any guard dog found at-large may be processed as a vicious animal pursuant to the provisions of this Chapter. Any premises guarded with a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import. The owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.
3. No animal shall be deemed vicious as a result of having attacked or injured any person who, at the time of such attack or injury, was committing a willful trespass or was committing or attempting other criminal conduct while on the premises occupied by the owner/custodian of such animal, or was at the time of the injury or attack, teasing, tormenting, abusing or physically assaulting the animal.
4. No animal shall be deemed vicious as a result of having defended or protected its owner/custodian from an unjustified attack or physical assault.
5. No animal shall be deemed vicious for causing injury or death to another animal if it was defending itself from an unprovoked attack by such other animal.

55.08 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)

55.09 SEIZURE, IMPOUNDMENT, AND DISPOSITION.

1. In the event that a dangerous animal or vicious animal is found at-large upon public property, park property, public right-of-way or the property of someone other than its owner/custodian, thereby creating a hazard to persons or property, such animal may, at the discretion of a peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture a dangerous animal or vicious animal found at-large, nor shall it have a duty to notify the owner/custodian of such animal prior to its

destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Police Chief or his designee shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Police Chief or his designee shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal.

3. The notice to remove an animal from the City or have it destroyed shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required when such animal has caused serious physical harm or death to any person, in which case the Police Chief or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk or serious physical harm or death to any person.

4. The order to remove a dangerous animal or vicious animal issued by the Police Chief or his designee may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file written notice of appeal shall constitute a waiver of the right to appeal.

5. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The person filing the notice of appeal must be present at the hearing. Failure to attend such appeal hearing shall constitute a waiver of the right to appeal. The hearing may be continued for good cause. At the conclusion of such hearing, the Council may affirm or reverse the order of the Police Chief or his designee. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

6. If the Council affirms the action of the Police Chief or his designee, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person who filed the appeal. Such notice shall be given in writing and shall

be served personally or by certified mail.

7. If the original order of the Police Chief or his designee is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Police Chief or his designee is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Police Chief or his designee issued pursuant to this chapter and not appealed, or an order of the Council after appeal, constitute a simple misdemeanor.

55.10 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.

55.11 LEASH LAW. It shall be unlawful for the owner/custodian of any dog or other similar animal to fail to keep the same from running at-large within the corporate limits of the City. Every animal outside a structure, kennel, wholly enclosed fenced yard or operating electronic invisible type animal control fence shall be either on a tether of sufficient strength to restrain the animal securely fastened to an immovable object and not capable of letting the animal reach any portion of the public sidewalk or city right-of-way, or on a fixed length leash of not more than ten (10) feet in length and sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal. Voice command is not sufficient to meet the requirements of this section. In addition, all dogs must at all times wear a collar with a current rabies tag attached.

55.12 DAMAGE OR INTERFERENCE. It is unlawful for the owner/custodian 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.

55.13 PROHIBITED ACTS. It is unlawful for any owner/custodian of an animal to permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal, and not take immediate action to remove and clean up the feces from such property. All feces removed shall be placed in a container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.

55.14 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner/custodian of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and/or habitual howling, yelping, barking or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.15 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)

55.16 OWNER'S DUTY. It is the duty of the owner/custodian 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)

55.17 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/custodian to confine such animal in the manner it directs. If the owner/custodian 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/custodian, the owner/custodian 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)

55.18 AT-LARGE: IMPOUNDMENT & FINE. Animals found at-large in violation of this Chapter may be seized and impounded. At the discretion of the peace officer, the owner/custodian may be issued a \$65.00 fine payable at the office of the City Clerk, or served a summons to appear before a proper court to answer charges made thereunder. If an animal at-large attacks or bites an individual or domestic animal and causes injury or death, the peace officer shall issue the owner/custodian a summons to appear before a property court to answer charges made thereunder.

55.19 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner/custodian, if known. Impounded animals may be recovered by the owner/custodian upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner/custodian does not redeem the animal within seven days of the date of notice, or if the owner/custodian cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with Iowa.

(Code of Iowa, Sec. 351.37, 351.41)

55.20 VIOLATIONS. Violation of this Chapter shall be subject to a minimum fine of

\$65.00 and a maximum fine of on more than \$500.00.

55.21 IMPOUNDING COSTS. Impounding costs are set by the impounding facility.
(Code of Iowa, Sec. 351.37)