

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.15 Confinement of Female Dogs or Cats in Heat
55.02 Animal Neglect	55.16 Vicious Dog Permits
55.03 Leashing	55.17 Confinement of Vicious Dogs
55.04 Minimum Confinement Area	55.18 Vicious Dogs at Large
55.05 Abandonment of Cats and Dogs	55.19 Seizure, Impoundment and Disposition of Vicious Dogs, Illegal Animals and Dangerous Animals
55.06 Livestock Neglect	55.20 Keeping of Illegal Animals Prohibited
55.07 Livestock	55.21 Keeping of Dangerous Animals Prohibited
55.08 Damage or Interference	55.22 Immediate Seizure or Destruction of Animals
55.09 Annoyance or Disturbance	55.23 Permanent Removal from City
55.10 Owner's Duty	55.24 Animal Waste
55.11 Confinement	55.25 Pet Awards Prohibited
55.12 Dogs, Cats or Other Animals Running at Large	55.26 Liability for Damages
55.13 Impounding and Disposition	
55.14 Rabies Control	

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

1. "Adequate shelter" means that each of the following exist:
 - A. Shelter from Sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.
 - B. Shelter from Rain or Snow. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - C. Shelter from Cold Weather. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty degrees (50°) Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated.
 - D. Drainage. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal.
2. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
3. "Allow" or "permit" means to allow or permit with or without consent or knowledge.
4. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
5. "At large" means off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
6. "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.
7. “Cat” means any member of the feline species.
8. “Confinement area” means the outdoor portion of an owner’s property occupied or available to an animal.
9. “Dangerous animal” means any animal, including a dog, except for an illegal animal, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence.
10. “Dog” means and includes both male and female animals of the canine species.
11. “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.
12. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
13. “Illegal animal” means:
- A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition; and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animal declared to be illegal by the City Council;
 - C. Any of the following animals, which are deemed to be illegal animals, per se: †
 - (1) Badgers, wolverines, weasels, skunks and minks;
 - (2) Raccoons;
 - (3) Bats;
 - (4) Scorpions;
 - (5) Opossums;
 - (6) Any crossbreed of such animals which have similar characteristics to the animals specified above.

† **EDITOR’S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

14. “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*)

15. “Offending animal” means a “vicious dog,” an “illegal animal,” or a “dangerous animal” as defined herein.

16. “Owner” means any person owning, keeping, sheltering, or harboring an animal (or allowing the keeping, sheltering, or harboring of an animal on the premises of said person).

17. “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.

18. “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 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 the United States or a branch of the armed forces of the United States.

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 LEASHING. Any person owning a dog shall confine and restrain such dog by good and sufficient means, or cause such dog to be properly leashed to prevent such dog from biting any person or animal or from running at large. It is unlawful for a person to chain, tether or otherwise attach a dog to a stationary object for more than five hours during any 24-hours period.

55.04 MINIMUM CONFINEMENT AREA. It is unlawful for an owner to fail to provide a confinement area of less than the following:

1. For one dog over 50 pounds: 6 feet by 10 feet (60 square feet);

2. For one dog over 50 pounds or for two dogs under 50 pounds: 8 feet by 10 feet (80 square feet);

3. For two dogs over 50 pounds each or three dogs under 50 pounds: 8 feet by 12 feet (96 square feet);

4. For three dogs over 50 pounds each or four dogs under 50 pounds: 10 feet by 14 feet (140 square feet);
5. For four dogs over 50 pounds each: 12 feet by 16 feet (192 square feet).

55.05 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)

55.06 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)

55.07 LIVESTOCK. It is unlawful for a person to keep bees or livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.08 DAMAGE OR INJURY. It is unlawful for the owner of an animal to allow or permit such animal to attack persons or domestic animals or to destroy property, to cause personal injury or to place persons in danger of attack or injury.

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 by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.10 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)

55.11 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)

55.12 DOGS, CATS OR OTHER ANIMALS RUNNING AT LARGE. It is unlawful for any owner to allow a dog, cat, or other animal to run at large within the corporate limits of the City. Any dog, cat, or other animal found at large shall be presumed to be so as a result of lack of sufficient supervision by its owner. Proof that said dog, cat, or other animal was at large shall

constitute in evidence a *prima facie* presumption in any proceeding charging an owner with a violation of this section.

55.13 IMPOUNDING AND DISPOSITION.

1. Any dog, cat, or other animal found at large in violation of this chapter shall be seized and impounded.
2. The owner of such dog, cat, or other animal shall be notified that the dog, cat, or other animal has been impounded. Such owner may repossess such dog, cat, or other animal upon payment to the Clerk of the sum of thirty-five dollars (\$35.00) per day as an impounding fee for the first offense, plus an additional fee of one dollar (\$1.00) for keeping such dog, cat, or other animal for each day or fraction thereof during which such dog, cat, or other animal has been impounded; forty-five dollars (\$45.00) per day as an impounding fee for the second offense on the same dog, cat, or other animal, plus an additional fee of one dollar (\$1.00) per day for keeping such dog, cat, or other animal for each day thereafter; and seventy-five dollars (\$75.00) per day as an impounding fee for the third and each successive offense thereafter on the same dog, cat, or other animal, plus an additional fee of one dollar (\$1.00) per day for keeping such dog, cat or other animal for each day thereafter.
3. Impounded dogs, cats, or other animals may be recovered by the owner upon proper identification and by compliance with the provisions of this chapter.
4. When any dog, cat, or other animal has been apprehended and impounded, the official shall give written notice in no less than two days to the owner, if known. When impounded dogs or cats are not reclaimed by their owners within seven (7) days after the date of notice, they may be humanely disposed of in accordance with the law.

55.14 RABIES CONTROL. All dogs and cats six (6) months of age or older shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animal's collar or harness. Dogs or cats not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 55.13 of this chapter.

(Code of Iowa, Sec. 351.33)

55.15 CONFINEMENT OF FEMALE DOGS OR CATS IN HEAT. The owner of any female dog or cat in heat shall confine said female dog or cat in a building, or otherwise keep the same in such manner so that said female dog or cat cannot come into contact with another animal except for planned breeding.

55.16 VICIOUS DOG PERMITS. It is unlawful for any person to harbor or keep a vicious dog within the City without first obtaining a vicious dog permit in accordance with the following:

1. Application. The application for a vicious dog permit must include the following:
 - A. Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage, as in a homeowner's policy, with a minimum liability amount of \$500,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City

standards for certificates of insurance, in the event of underlying policy of insurance is canceled for any reason. This provision shall in no way limit monetary, damages, or other remedies to which a party may be entitled hereunder against the owner, agent, or possessor of such dog.

B. The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate complying with this section is provided showing insurance in effect at the time of such cancellation or termination.

C. Application fee in the amount of \$100.00.

2. Notification of Changes. The owner of the vicious dog shall be required to notify the City within 24 hours of any transfer of ownership of the dog, the dog's escape or death, any change of address by the owner, or birth of offspring to the dog.

55.17 CONFINEMENT OF VICIOUS DOGS. 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 and muzzled as provided herein. 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 feet 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 pens must have a sign with minimum two-inch lettering saying "Beware of Vicious Dog." The County Sheriff is empowered to inspect such pens at least once per year. 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 part of a house or structure that would allow the dog to exit such building on its own volition. 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. 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 18 years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, building, or any other object or structure. Violation of this section is a simple misdemeanor. Each day of any such violation shall constitute a separate offense.

55.18 VICIOUS DOGS AT LARGE. A vicious dog which is found to be at large and not confined as required by this chapter shall be permanently removed from the City or destroyed. A vicious dog which is permanently removed from the City but is found back in the City will be immediately destroyed.

55.19 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS, ILLEGAL ANIMALS AND DANGEROUS ANIMALS.

1. The County Sheriff, at his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious dog, illegal animal, or dangerous animal, as defined herein, may initiate proceedings to declare said animal an "offending animal." If the owner contests said designation, a hearing on the matter shall be conducted by the City Administrator. The person owning, keeping, sheltering, or

harboring the offending animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the offending animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the offending animal is determined to be vicious, illegal, or dangerous, the owner may be required to obtain a vicious dog permit, confine the animal or dispose of the animal as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the City Administrator determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the City Administrator shall order the person owning, sheltering, harboring, or keeping the animal to obtain a vicious dog permit and confine the animal as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the City Administrator is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the City Administrator was issued has not appealed such order to the Council, or has not complied with the order, the City Administrator shall cause the animal to be destroyed. Before being returned to the owner, an unaltered dog shall be surgically spayed or neutered, unless the dog has been duly registered for breeding purposes.

3. The order to obtain the required permit, or to confine or remove an offending animal from the City issued by the City Administrator may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the City Administrator within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Administrator.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Administrator. The hearing of such appeal shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Administrator within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the City Administrator and the arguments of the parties or their representatives, but no additional evidence shall be taken.

5. If the Council affirms the action of the City Administrator, the Council shall order in its written decision that the person sheltering, harboring, or keeping such offending animal shall obtain a vicious dog permit and confine said dog as required by this chapter or remove the offending animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection 1 of this section. If the original order of the City Administrator is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the County Sheriff or his or her designee is authorized to seize and impound said offending animal. A dog so seized shall be impounded for a period of ten days. If at the end of the impoundment period, the person against whom the decision and order of the City Administrator or the Council was issued has not petitioned the County District Court

for a review of said order, or has not complied with the order, the City Administrator shall cause the dog to be destroyed in a humane manner.

6. Failure to comply with an order of the City Administrator issued pursuant hereto and not appealed or of the Council after appeal, is a simple misdemeanor. Each day said failure to comply exists shall constitute a separate violation.

7. Any animal which is alleged to be an offending animal and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious or the animal is found to be an offending animal. If the dog is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

55.20 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any illegal 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 except in the following circumstances:

1. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
2. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
5. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the *Code of Iowa*.

55.21 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep or permit to be kept any dangerous animal within the City. This prohibition does not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

55.22 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 55.19 of this chapter, and said animal may be immediately seized anywhere within the City, in which case the County Sheriff or his or her designee is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the City.

55.23 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, and said owner or other person shall provide to the County Sheriff a notarized statement designating the place to which the animal has been removed. An animal not removed as required or an animal which has been

removed and which is again found illegally within the City shall be destroyed, and all costs associated therewith shall be at the owner's sole expense.

55.24 ANIMAL WASTE. It is unlawful for any person who owns, houses, leads, walks, or otherwise maintains control of any animal or pet that defecates anywhere within the City limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic or other impermeable bag and sealing said bag by tying it securely or using a "twist tie," tape, or similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels, or pens wherein any dog, cat, pet, or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces.

55.25 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.

55.26 LIABILITY FOR DAMAGES. The owner of an animal shall be liable to an injured party for all damages done by the animal, when the animal is caught in the action of worrying, maiming or killing a domestic animal, or the animal is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by an animal affected with hydrophobia unless the owner of the animal had reasonable grounds to know that the animal was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[The next page is 315]

