

**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: ANIMAL PROTECTION AND CONTROL**

CHAPTER 85

GENERAL PROVISIONS

85.01 Definitions	85.11 Destruction of Animals
85.02 Animal Neglect	85.12 Rabies Notice
85.03 Livestock Neglect	85.13 Dangerous Animals
85.04 Abandonment of Cats and Dogs	85.14 Location of Kennel
85.05 Rabies Vaccination	85.15 Traps Prohibited
85.06 Running At Large Prohibited	85.16 Farm Animals
85.07 Annoyance or Disturbance	85.17 Owner's Duty
85.08 Impounding	85.18 Confinement
85.09 Disposition of Unclaimed or Infected Animals	85.19 Animal Excreta
85.10 Unclaimed Animals for Scientific Purposes	

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

1. "Animal" means a nonhuman vertebrate.
2. "Owner" means any person or persons, firm, association or corporation owning, keeping or harboring any animal.
3. "Animal at large" means an animal running or found within the City upon any street, alley, sidewalk, public or private ground. An animal shall not be deemed at large if:
 - A. It is on the premises of its owner or upon the premises of either its owner or a person consenting to its presence.
 - B. It is under the control of a person, competent to restrain and control the animal either by leash, cord, chain or similar restraints not more than six (6) feet in length, or properly restrained within a motor vehicle.
 - C. It is properly housed in a veterinary hospital or registered kennel.
 - D. It is accompanied by or at heel beside or obedient to the commands of the owner or a person capable of controlling the animal or carried by a competent person capable of controlling and restraining the animal.
4. "Kennel" means a facility designed to commercially board or house animals over six (6) months of age, or a facility used to house more than three (3) animals for the pleasure of the owner. No residence shall be deemed a kennel.
5. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, or poultry.

6. "Dangerous animal" means any animal that:
- A. Without provocation causes a serious injury to a person or domestic animal; or
 - B. Has been designated as a potentially dangerous animal and engages in behavior that poses a threat to public safety as defined in Subparagraph a. of this subsection or serious injury as defined in Subparagraph b. of this subsection.
 - (1) "Potentially dangerous animal" means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 - a. Without provocation causes an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
 - b. Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack, causing injury or otherwise threatening the safety of humans or domestic animals;
 - c. Without provocation acts in a highly aggressive manner within a fenced yard or enclosure and appears, to a reasonable adult, able to jump over or escape;
 - d. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape; or
 - (2) "Serious injury" means any physical injury incurred by an animal that results in a major bone fracture, muscle tears, disfiguring lacerations or requires multiple sutures or corrective surgery or cosmetic surgery.
 - C. Has been designated as a dangerous animal, potentially dangerous animal or serious injury by another jurisdiction.

(Ord. 591 – Dec. 09 Supp.)

85.02 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)

85.03 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)

85.04 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.7)

85.05 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)

85.06 RUNNING AT LARGE PROHIBITED. It is unlawful for any owner or keeper of any animal to allow or permit such animal to run at large within the corporate limits of the City. Admitted violations of animals running at large prohibited restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for all violations. If a fine is not paid within thirty (30) days, a complaint may be filed as provided by Chapter 804 of the Code of Iowa.

(Ord. 569 - Mar. 08 Supp.)

85.07 ANNOYANCE OR DISTURBANCE. It shall be 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. Admitted violations of the annoyance or disturbance restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for all violations. If a fine is not paid within thirty (30) days, a complaint may be filed as provided by Chapter 804 of the Code of Iowa.

(Ord. 569 - Mar. 08 Supp.)

85.08 IMPOUNDING. It shall be the duty of the City, through its agents or police force, to apprehend any animal found at large contrary to the provisions of this chapter and, upon apprehension, such animal shall be impounded in the City pound or other suitable place provided for by the City. Upon receiving of any such animal, it shall be the duty of the City to attempt to ascertain the owner or custodian of said animal and to notify said owner or custodian at the earliest opportunity; and, in the event that said owner cannot be located, the duly authorized representative of the City shall post for seven (7) days upon the City bulletin board a description of the animal in question and

the place and time of taking. The owner of any animal so impounded may reclaim such animal upon furnishing the proof of vaccination and all costs and charges incurred by the City for impounding and maintenance of said animals, and in addition thereto, for the first offense shall pay the sum of twenty-five dollars (\$25.00), for the second offense the sum of fifty dollars (\$50.00), for the third offense the sum of seventy-five dollars (\$75.00) and in the event that there is a fourth offense, the animal in question may be deemed a nuisance and destroyed, or in the alternative, a fine of one hundred dollars (\$100.00) shall be paid.

85.09 DISPOSITION OF UNCLAIMED OR INFECTED ANIMALS. It shall be the duty of the City to keep all dogs or animals so impounded for a period of no more than seven (7) days. If, at the expiration of seven (7) days from the date of notice to the owner, or by posting of notice that such animal shall not have been redeemed, it may be destroyed.

85.10 UNCLAIMED ANIMALS FOR SCIENTIFIC PURPOSES. The City reserves the right, in lieu of the destruction of any animal, to deliver the same over to any hospital or reputable institution to use said animal for research purposes in the study of or prevention of diseases in the betterment of mankind.

85.11 DESTRUCTION OF ANIMALS. Destruction of animals at large shall be accomplished by those persons authorized by the City using means, whenever possible, so as not to interfere with post-mortem accomplished to enable the detection of rabies.

85.12 RABIES NOTICE. If any animal is believed to have rabies, or to have been bitten by an animal suspected of having rabies, such animals shall be placed under the observation of a veterinarian, at the expense of the owner, for a period of no less than two (2) weeks, said period to be determined by the veterinarian. It shall further be unlawful for any person to sell, transfer, or dispose of any animal known to have bitten any person for a period of less than two (2) weeks from the date that said bite was inflicted, and it shall be the duty of any person with knowledge of any animal biting an individual within the corporate limits of the City to immediately report the same to the City Clerk, and all facts surrounding the incident, if ascertained or known; and if unknown, the bite shall be noted within the animal file to be kept by the Clerk so as to indicate the species of the animal, the date of the bite, the person bitten, a description of the animal including color, size, breed and age, if known, and facts surrounding the same.

85.13 DANGEROUS ANIMALS. It shall be the duty of all owners or custodians of animals known to be dangerous to protect the public from the same; that is, to confine the animal in question in such a manner so as to prevent said animal from having access or contacting any other animal or person on or off the premises of the owner or keeper. It shall further be the duty of a person harboring a known dangerous animal to post the premises occupied by said animal or animals with a printed warning of the danger, said sign to be posted in a conspicuous place so that persons entering said premises shall be so warned. Admitted violations of the dangerous animals

restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of one hundred dollars (\$100.00) for all violations and the dangerous animal shall be impounded pursuant to the procedures set out in Section 85.08 of this Code. If a fine is not paid within thirty (30) days and the animal removed, a complaint may be filed as provided by Chapter 804 of the Code of Iowa. No animal designated by another jurisdiction as a dangerous animal shall be allowed in the City limits. If it has been determined that an animal designated as a dangerous animal by another jurisdiction is located in the City limits, the police or other authorized officers of the City are authorized to immediately impound the animal pursuant to Section 85.08 of the Code and cite the owners or custodians of said animal. *(Ord. 591 – Dec. 09 Supp.)*

85.14 LOCATION OF KENNEL. No kennel, as defined herein, shall be located within three hundred feet (300') of any residence within the City.

85.15 TRAPS PROHIBITED. It shall be unlawful for any person to rig, set or maintain any steel-jaw leg hold trap, humane trap (Conibear) snare or box-type trap within that portion of the corporate limits south of the North River of the City. Upon application to the City Council, and after review of said application, the Council may permit the use of box-type (“have a heart”) traps to capture animals or fowl, to be removed from the City by designated public officials charged with the responsibility for the care, keeping or destruction of said animal or fowl.

85.16 FARM ANIMALS. No livestock (except a person may keep one Vietnamese Pot Bellied Pig, Asian Pot Bellied Pig or pot bellied pig per household), shall be kept in any dwelling or a part thereof. Nor shall any livestock be kept on the same lot or premises with a dwelling except for the aforementioned pot bellied pigs, if such dwelling is on a lot or premises which are not laid off into lots of 10 acres or less and which are also in good faith occupied and used for agricultural and/or horticultural purposes. No more than three horses shall be kept in five acres. Admitted violations of the farm animals restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations. If a fine is not paid within thirty (30) days, a complaint may be filed as provided by Chapter 804 of the Code of Iowa. *(Ord. 569 – Mar. 08 Supp.)*

85.17 OWNER'S DUTY. It shall be 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 shall be 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)

85.18 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it 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 two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

85.19 ANIMAL EXCRETA. The owner or custodian of any animal is responsible for the immediate removal of any excreta deposited by said animal on any public walk, park, boulevard, recreation area or other public right of way, or on any private property outside the owner's or custodian's own property. The owner or custodian of any animal is responsible for the removal of any excreta deposited by said animal in any kennel or any other location on the owner's or custodian's property. Admitted violations of the animal excreta restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for all violations. If a fine is not paid within thirty (30) days, a complaint may be filed as provided by Chapter 804 of the Code of Iowa.

(Ord. 525 – Feb. 05 Supp.; Ord. 569 – Mar. 08 Supp.)

[The next page is 175]