

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.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "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.
4. "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.
5. "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.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "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)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. "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.

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 that 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 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. 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 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

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 SANITATION. It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person.

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 City official, local health official, 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 any City Staff receives information that an animal has bitten a person or other animal, or that a dog or animal is suspected of having rabies, the animal shall be confined as directed by the Mayor or Police Chief. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City and quarantined as directed by the Mayor or the Police Chief at the Humane Society of Siouxland. 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.

55.13 AT LARGE: IMPOUNDMENT. Any licensed or unlicensed animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City. The owners of such animals, if known, shall be notified within two (2) days that upon payment of impounding costs such animals may be recovered. If impounded animals are not recovered by their owners within three (3) days after notice, the animals may be transported to the impoundment facilities utilized by the City.

55.14 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 and/or unlicensed cat or dog, by having it immediately vaccinated and/or licensed. If the owner fails to redeem the animal within three days after the date that the notice is mailed, or if the owner cannot be located within three days, the animal shall be transported to the Humane Society of Siouxland..

55.15 IMPOUNDING COSTS. Impounding costs consist of the following charges:

1. City Capture and Transportation Charge - \$100.00.
2. Actual expenses incurred by the City pursuant to the contract for care of said animals.
3. A surcharge, computed on the basis of repeated impounding within a 12-month time period, in the amount of:
 - A. Second or Third Impoundment - \$10.00 surcharge.
 - B. Fourth and Subsequent Impoundment - \$20.00 surcharge.

55.16 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.

55.16 CRUELTY TO ANIMALS. No person shall torture, torment, mutilate, cruelly beat, or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter, protection from the weather, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or commit any other act or omission by which unjustifiable pain, distress suffering or death is caused or permitted to any animal or animals, whether the acts or omissions herein contemplated are committed either maliciously, willfully or negligently.

55.17 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, beat, injured, or killed, or any fight between animals or between an person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

55.18 PENALTY. Violation of any of the provisions of this ordinance shall be a Municipal Infraction of \$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for third and subsequent offenses within the same 12 month period.

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CHAPTER 56

CAT AND DOG LICENSES REQUIRED

56.01 License Required

56.02 Immunization

56.03 License Tag

56.04 Penalty

56.01 LICENSE REQUIRED. Every owner of a cat and/or dog over the age of three months shall procure a pet license from the City Clerk, or Deputy City Clerk, on or before the last day of February of each year. The annual license fee shall be \$5.00 for each neutered cat or dog and \$10.00 for each unneutered cat or dog. A penalty of \$3.00 per month shall be assessed for failure to pay the license fee when due.

56.02 IMMUNIZATION.

1. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the cat or dog for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the cat or dog license. The Clerk shall not issue any pet license without such certification. The certification shall show the date of inoculation, and shall be valid for a period of two years unless some lesser time is shown on the certificate. An owner presenting a certificate that will expire less than six months from the date the license is issued shall be required to file a subsequent certificate as described in Subsection 2 hereof as if the cat or dog obtained the age of three months on the date the certificate expired. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

2. If any cat or dog for which a license has been obtained has not attained the age of three months at the time of the licensing of the cat or dog, the owner shall, not less than 10 days after such cat or dog attains the age of three months secure immunization against rabies for such cat or dog and present a certificate as required in this section to the City Clerk who shall enter such certification in the records of the City.

56.03 LICENSE TAG. Upon payment of the license fee, the City Clerk or Deputy City Clerk shall issue to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the cat or dog for which the license is issued. Any cat or dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

56.04 PENALTY. Violation of any of the provisions of this ordinance shall be a Municipal Infraction of \$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for third and subsequent offenses within the same 12 month period.

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CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

57.01 Dangerous Animals Prohibited

57.03 Penalty

57.02 Keeping a Vicious Dog or Cat

57.01 DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

1. Definition. "Dangerous animal" means the following animals:

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. The following animals, which are deemed to be dangerous animals per se:

- (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
- (2) Wolves, coyotes, and foxes;
- (3) Badgers, wolverines, weasels, skunk and mink.
- (4) Raccoons.
- (5) Bears
- (6) Monkeys, chimpanzees, and apes;
- (7) Alligators and crocodiles;
- (8) Scorpions; gila monsters.
- (9) Snakes that are venomous or constrictors;
- (10) Staffordshire terriers, known as pit bulls, Rottweiler, Doberman Pinscher, German Shepherd, American Shepherd.
- (11) Any cross breed of such animals which have similar characteristics of the animals specified above.

C. Any animals declared to be dangerous by the City Council.

2. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

A. The keeping of dangerous 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, and the written approval of the City Council has been obtained.

B. The animal would be prohibited by Subsection 10 above but is duly licensed pursuant to 56.01 and for which the license has not been revoked pursuant to part C hereof. Any animal remaining within the City limits 3 days after revocation of its license shall establish a basis for a municipal infraction naming its owner as defendant pursuant to 56.04 and 57.03

57.02 KEEPING A VICIOUS DOG OR CAT. It is unlawful for any person to harbor or keep a vicious dog or cat within the City. A vicious cat or dog is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite persons shall exist and such propensity is known or ought reasonably be known to the owner thereof.

57.03 PENALTY. Violation of any of the provisions of this ordinance shall be a Municipal Infraction of \$50.00 for the first offense, \$100.00 for the second offense, and \$250.00 for third and subsequent offenses within the same 12 month period.