

CHAPTER 55  
ANIMAL PROTECTION AND CONTROL

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Commented [JD1]: This section would be updated when we know what sections are being updated.

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. "Animal abuse or neglect" shall be defined by the Code of Iowa, Section 717B.2 and 717B.3.

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 ~~running or found within the City upon any street, alley, sidewalk, public, or private grounds. An animal, properly licensed as required by law, shall not be deemed at large if any of the following is true: 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.~~

A. ~~It is on the premises of the owner; or~~

B. It is under the control of a person competent to restrain and control the animal, either by leash, cord, chain, or other similar restraint not more than six feet in length, or properly restrained within a motor vehicle; or

C. It is properly housed in a veterinary hospital or registered kennel; or

D. It is accompanied by or at heel beside and obedient to the commands of the owner or a person capable of controlling the animal.

Notwithstanding any other provision of this chapter, any animal shall be deemed at large at any time when attacking persons or domestic animals, destroying property or when on a public school ground, except when under restraint as set out in paragraphs B and D of this subsection. Further, any female dog in heat shall be deemed at large at any time when not under restraint as set out in paragraphs A and C of this subsection.

64. "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 and includes all members of the *Felis Domestica* species, male or female, whether altered or not. The definition of cat specifically excludes a feral cat. Feral cats are born in the wild or may be abandoned or lost pets that have reverted to a wild state.

8. "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)

9. "Dog" means and includes both male and female animals of the *Canine* species, including spayed or neutered dogs.

105. "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.

116. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

12. "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)*

713. "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)*

14. "Livestock abuse or neglect" shall be defined by the Code of Iowa, Section 717.1A and 717.2.

159. "Owner" means any person owning, keeping, sheltering or harboring an animal.

169. "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.

17. "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)*

18. "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)*

19. "Responsible party" means a person who owns or maintains or is responsible for the care of the animal.

20. "Society" means any incorporated society or association organized for the express purpose of prevention of cruelty to animals.

21. "Vaccinated" means an animal vaccinated by a licensed veterinarian against rabies, or it means that satisfactory proof is furnished to establish such prior vaccination of the animal within eighteen months prior to the impounding or licensing of the animal if the vaccination was by modified live virus vaccine of egg embryo origin, or within six months if the vaccination was by killed tissue vaccine.

22. "Veterinarian" means a veterinarian licensed pursuant to Chapter 169 of the Code of Iowa who practices veterinary medicine in the State.

2310. "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 to or 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 or animal fighting or is owned or kept for such purposes.

E. Any dog trained to attack human beings, upon command or spontaneously in response to human activity, 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.

F. Any Staffordshire Terrier breed of dog;

G. Any American Pit Bull Terrier breed of dog;

H. Any American Staffordshire Terrier breed of dog; or

I. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

## 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.

—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.

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.

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

—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 or responsible party of any animal to permit or allow the animal to be at large. All violations of any provision(s) of Section 55.06 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs

and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be charged as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

An animal shall not be deemed at large if:

1. The animal is on the premises of the owner or a person given charge of the animal by the owner and is either:

A. Restrained on those premises by an adequate protective fence, or by leash, cord, chain or other similar restraint that does not allow an animal to go beyond the owner's real property line; or

B. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the animal by the owner. At no time shall the animal be more than six feet from such person.

2. The animal is off the premises of the owner and is:

A. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the animal; or

B. Accompanied by the owner or other person competent to restrain and control the animal, and the animal is immediately obedient to voice or electronic commands of that person; or

C. Properly restrained within a motor vehicle.

3. The animal is properly housed in a veterinary hospital or registered kennel.

4. The owner and the animal are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.

5. The animal and the owner are actively engaged in a generally recognized animal obedience training program or training for a generally recognized kennel club event, provided:

A. The animal is in the actual presence of the owner or trainer at all times;

B. The owner or trainer is at no time more than 50 feet from the animal;

C. The animal is immediately obedient to the commands of the owner or trainer; and

D. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the animal.

An animal shall be deemed to be at large if it is not properly registered or if it is not housed, restrained or controlled in one of the methods set forth above in this section. The owner of

any animal allowed to run at large in violation of this section shall be guilty of a municipal infraction.

#### 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 or custodian of any dog, cat, or other household animal to permit such animal to: (i) bark, bay, cry, howl, yelp, crow, or make any other noise excessively, continuously, or intermittently, for any unreasonable period of time so as to create an annoyance or disturbance of any person at any time of day or night regardless of whether the animal is physically situated on property under the control of the owner or custodian of the dog, cat, or other household animal; and (ii) run after or chase persons, bicycles, automobiles, or other vehicles. All violations of any provision(s) of Section 55.08 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 3 of this Code of Ordinances. Violations may be charged as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

#### 55.09 VICIOUS DOGS.

1. **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. 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 inches 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 feet in order to prevent digging under the walls by the confined dog. 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 animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition.

2. **Leashing of Vicious Dogs.** 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 feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash unless the dog is 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, buildings, or any other object or structure.

3. At Large Vicious Dogs. A vicious dog which is found, more than twice in any calendar year, not to be confined as herein required, shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal shall be destroyed.

#### 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 ANIMAL LITTERING.

It is unlawful for the owner or responsible party to allow the animal to deposit feces on public or private property without the consent of the property owner. Animal feces deposited on public or private property shall be immediately removed and disposed of in a sanitary manner. This section does not apply to the owner of a service dog when the owner is deemed to be legally blind or to have other medically and physically limiting disabilities. All violations of any provision(s) of Section 55.1 are hereby declared simple misdemeanors punishable by a fine of at least \$50 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 3 of this Code of Ordinances. Violations may be charged as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

#### 55.12 ANIMALS IN FOOD HANDLING ESTABLISHMENTS.

No person shall take or permit to remain any dog, cat, or any live animal on or in any premises where food is sold, offered for sale, or processed for consumption by the general public. Fish in tanks and dogs serving persons who are blind or who have other medically and physically limiting disabilities are exempt from this prohibition.

#### 55.13 NUMBER OF CATS AND DOGS LIMITED.

No family or occupant of the same address shall own, harbor or keep more than four dogs or four cats or a combination exceeding four dogs and cats per household on any residentially zoned lot except that a litter of puppies or kittens or a portion of the litter may be kept on the property not more than twelve weeks from birth.

55.1~~4~~ 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)

55.1~~5~~ 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)

55.16 CONTRACT WITH SOCIETY OR ASSOCIATION.

The City may contract with any incorporated society or association for the following:

1. The prevention of cruelty to animals;
2. The collection and protection of dogs;
3. The maintenance of a shelter or pound for unlicensed or untagged dogs, and for lost, strayed or homeless dogs;
4. The destruction or other disposition of seized dogs not redeemed as provided by law or ordinance;
5. The disposal of dead animals;
6. Assistance in the collection of licenses upon dogs.

The City shall incorporate in the contract the manner in which the work shall be done and in which payments are to be made by the City thereunder, and it may also direct the disposition of all dogs seized, as provided by law, and provide for the costs of care or disposition as provided in this chapter.

### **55.173 AT-LARGE: IMPOUNDMENT.**

~~—Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.~~

~~1. Notification of Owner. It shall be the duty of the Police Department or any society under contract with the City to cause to be collected and impounded any dog or cat found to be at large within the City, as defined in Section 55.01(4) of this chapter. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) 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.~~

~~2. Impoundment Fees. Impoundment fees are set and charged by the society under contract with the City. The City requires a \$45.00 impoundment fee for any animal transported to the society by the City and recovered by the owner.~~

~~3. Service Fee. The owner or responsible party of a licensed animal impounded by the City shall pay a \$25.00 service fee to the City. The owner or responsible party of an unlicensed animal impounded by the City shall pay a \$45.00 service fee to the City. The owner or responsible party of an unlicensed animal impounded by the City shall license the animal within five business days after the animal is recovered from impoundment. The owner or responsible party of an unlicensed animal recovered at the Police Department will be billed the service fee charged for impoundment.~~

~~4. Procedure for Redemption. Owners of animals recovered from the Police Department will be charged a service fee. Owners of animals recovered from the society may be charged impoundment fees and/or service fees.~~

~~5. Disposition of Animals. If the owner of an animal apprehended or impounded under the provisions of this section 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. Feral cats shall be disposed of pursuant to Section 55.17.~~

### **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 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}

**55.15 IMPOUNDING COSTS.**

—Impounding costs are \$50.00 for first impoundment, \$100.00 for second impoundment and \$150.00 for third and subsequent impoundments plus boarding costs as established by the impoundment facility.

{Code of Iowa, Sec. 351.37}

**55.1~~86~~ 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.

**55.19 AT LARGE CATS.**

Any cat found to be at large without (a) collar, (b) license or (c) imbedded ownership chip shall be determined to be a feral cat. For purposes of this section a cat shall have a short coat of fur to qualify as a feral cat in addition to the aforementioned requirements of the definition. A feral cat shall be held for a period of twenty-four hours from the date of capture before transportation to the Animal Rescue League. If unclaimed within twenty-four hours, the cat shall be identified as a feral cat for purposes of record management with the Animal Rescue League.

**55.20 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.

#### 55.21 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.

