

**ORDINANCE #2024-20**

**“An Ordinance Adding Chapter 57 – Urban Chickens and Repealing and Replacing Chapter 55 – Animal Control of the City of Van Meter Code of Ordinances”**

**BE IT INACTED**, by the City Council of the City of Van Meter, Iowa, that:

**SECTION 1.** Chapter 57 Urban Chickens is added to the Code of Ordinances of the City of Van Meter, IA and reads as follows:

**CHAPTER 57  
URBAN CHICKENS**

57.01 Definitions	57.07 Predators, Rodents, Insects & Parasites
57.02 Permit Required	57.08 Chickens at Large and Injury Caused by Other Animals
57.03 General Requirements	57.09 Feed and Water
57.04 Chicken Requirements	57.10 Storage & Removal of Feces and Waste
57.05 Site Requirements	57.11 Nuisances
57.06 Enclosure Requirements	

**57.01 DEFINITIONS.**

1. “Chicken” means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. “Coop” means a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.
3. “Single-family dwelling” means any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for residential purposes.
4. “Urban chicken” means a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

**57.02 PERMIT REQUIRED**

1. Permit Required. No person shall raise, harbor or keep chickens within the City of Van Meter on any land not zoned “A” – Agricultural District without a valid permit obtained from the City Clerk under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City Clerk and paying all fees required by this chapter. The urban chicken permit shall be valid for three (3) years and may not be sold, transferred or assigned.
3. Permit Fees. Initial permit fee is \$10.00. The fee to renew the permit is \$5.00. If the City issues the permittee a Notice of Violation and if the permittee has not cured the violation when the property is re-inspected, the permittee shall be assessed a re-

inspection fee of \$35.00, which is due in 30 days. If the violation has been cured, no re-inspection fee shall be assessed.

4. Requirements. The requirements to the receipt of a permit include:

- A. All requirements of this chapter are met.
- B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full.
- C. All judgments in the City's favor and against the applicant have been paid in full.
- D. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.
- E. Private Restrictions Take Precedence. Private restrictions on the use of the property shall remain enforceable and shall supersede the terms of this chapter and any permit issued. The private restrictions include, but are not limited to: deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements.
- F. Tenant must obtain the landlord's written permission to install a coop.

6. Issuance of Permit. If the City Clerk or designee concludes as a result of the information contained in the application that the requirements for a permit have been met, then the officer shall issue the permit.

7. Denial, Suspension, Revocation, Non-Renewal. The City Clerk or designee may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- A. False statements on any application or other information or report required by this section to be given by the applicant.
- B. Failure to pay any application, penalty, re-inspection or reinstatement fee required by this section or City Council resolution.
- C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- D. Failure to comply with the provisions of an approved mitigation/remediation plan by the City Clerk or designee.
- E. Failure to comply with any provision of this chapter.

8. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

9. Effect of Revocation, etc. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation.

10. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard given the applicant or holder of the permit. In any instance where the City Clerk has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chicken may appeal the decision to the City

Administrator, or designee other than the City Clerk within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance to this chapter shall be deemed final action.

### **57.03 General Requirements.**

1. Non-Commercial Use Only. Permit holder shall not engage in the breeding of chickens or fertilizer production for commercial purposes.
2. Slaughter of Chickens. Any slaughter of chickens not regulated by federal or State law, or regulated otherwise, shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by another.
3. Dead Chickens. Other than slaughtered chickens, the owner shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

### **57.04 Chicken Requirements.**

1. Hens Only. Only female chickens (hens) are allowed. Male chickens (roosters) are not allowed and shall be removed immediately by the owner.
2. No More than Six Allowed. No more than six chickens shall be allowed on any parcel.

### **57.05 Site Requirements.**

1. Enclosures Required. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or chicken tractor during non-daylight hours.
2. Location and Separation Distances.
  - A. Coops, including tractors, must be at least 10 feet from any property lines.
  - B. Coops must be at least five feet from the principal use residential structure on the applicant's property.
  - C. Coops must be in the rear yard of the property as "rear yard" is defined in the Zoning Ordinance.

### **57.06 ENCLOSURE REQUIREMENTS.**

1. Enclosures and coops must be kept clean, dry, odor free, neat and sanitary conditions at all times.
2. Coops shall be well maintained.
3. Coops must provide adequate ventilation, sun and shade.

4. Coops shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
5. Coops shall be built of solid materials such as wood, metal or plastic.
6. Coops shall be at least 18 inches in height.
7. Coops shall be designed to provide safe and healthy living conditions for the chickens which reside therein, with a minimum of 16 square feet. Maximum coop size is 96 square feet. Coops must allow a minimum of four square feet per chicken.
8. Coops shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.
9. Materials used for coops shall be uniform of each element of the structure that the walls are made of the same material, the roof has the same shingles or covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.
10. Well Drained. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture; accumulations of moisture shall be avoided and removed.
11. Fences. Fences that serve as enclosures for chickens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and shall be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.

#### **57.07 PREDATORS, RODENTS, INSECTS AND PARASITES.**

The permittee shall take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall be removed by the owner and may be removed by the Mayor at the owner's expense.

#### **57.08 CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS.**

1. At Large Prohibited. Permittee shall not allow chickens to roam off the parcel of land covered by the permit. Any chicken found off the permitted property shall be considered to be "at-large" and subject to the penalties and provisions of this Code of Ordinance for at-large animals.
2. Dangerous or Vicious Designation. Injury or death to a chicken that is caused by a

dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to Chapter 4r of this Code of Ordinances.

3. City not Liable. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not licensed by the City.

#### **57.09 FEED AND WATER.**

Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

#### **57.10 STORAGE AND REMOVAL OF FECES AND WASTE.**

1. Feces and waste shall be removed from enclosures, coops and tractors at least once per week.

2. Feces and waste may be stored on the permittee's property. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, feces and waste must be stored in a manner to not attract flies, rodents or other vermin.

3. Feces and waste may be used as fertilizer on the permitted property subject to being turned in to the soil completely immediately upon application and there is no noxious odor.

#### **57.11 NUISANCES.**

Any violation of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance, subject to sanctions and abatement as set out in Chapter 50 of this Code of Ordinances.

**SECTION 2.** Chapter 55 is repealed of the Code of Ordinances of the City of Van Meter, Iowa and replaced with the following:

### **CHAPTER 55**

#### **ANIMAL PROTECTION AND CONTROL**

55.01 Definitions	55.12 Animals in Food Handling Establishments
55.02 Animal Neglect	55.13 Number of Cats and Dogs Limited
55.03 Livestock Neglect	55.14 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.15 Confinement
55.05 Livestock	55.16 Contract with Society or Association
55.06 At Large Prohibited	55.17 Impoundment

55.07 Damage or Interference	55.18 Pet Awards Prohibited
55.08 Annoyance or Disturbance	55.19 At Large Cats
55.09 Vicious Dogs	55.20 Tampering with Rabies Vaccination
55.10 Rabies Vaccination	55.18 Tampering with An Electronic Handling Device
55.11 Animal Littering	

## 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:

- 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.

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 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.

10. “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.

11. “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)*

13. “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.

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

16. "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.

23. "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.

### **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.

### **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*)

### **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~~ fees approved by City Council and/or municipal infractions punishable by a penalty as listed in Chapter 34 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.~~ 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 55.06 are municipal infractions and punishable by a fee approved by City Council and/or municipal infractions punishable by a penalty as listed in Chapter 3 of this Code of Ordinances. ~~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.

#### **55.14 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)

#### **55.15 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.

#### **55.17 IMPOUNDMENT.**

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.

## **55.18 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.

**SECTION 3.** Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** Severability Clause. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 5.** When Effective. This Ordinance shall in full force and effect from and after its passage and publication as provided by law for all services provided on and after August 12, 2024.

1<sup>st</sup> Reading – August 12, 2024

2<sup>nd</sup> Reading – Waived

3<sup>rd</sup> Reading - Waived

Passed by the City Council and approved the 12<sup>th</sup> day of August 2024.

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Mayor, Joe Herman

Attest:

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City Clerk