

## 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 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

**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 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)*

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Code of Iowa, Sec. 351.39)*

**55.13 AT LARGE: IMPOUNDMENT.** Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, 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.

**55.14 DISPOSITION OF ANIMALS.** 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. 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 (7) 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 set by the impoundment facilities.

**55.16 RIGHT TO KILL UNVACCINATED DOGS OR CATS.** It is lawful for any person — and the duty of all peace officers, City person or other person designated by the City — to kill any dog or cat for which a rabies vaccination tag is required, when the dog or cat is not wearing a collar with rabies vaccination tag attached.

*(Code of Iowa, Sec. 351.26)*

**55.17 RIGHT TO KILL TAGGED DOG OR CAT.** It is lawful for any person to kill a dog or cat wearing a collar with a rabies vaccination tag attached, when the dog or cat is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog or cat is attacking or attempting to bite a person.

*(Code of Iowa, Sec. 351.27)*

**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.

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## CHAPTER 56

# VICIOUS DOGS

56.01 Definitions  
56.02 Vicious Dogs Confined  
56.03 Dog Shows

56.04 Insurance  
56.05 Impoundment

**56.01 DEFINITIONS.** The following terms are defined for use in this chapter:

1. “Vicious Dog” means:
  - A. Any dog with a known propensity, tendency, or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping, or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
  - B. Any dog of that breed known variously as American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier; or
  - C. Any dog of mixed breed which contains a strain of such breed which is identifiable as such by a qualified veterinarian duly licensed in the State; or
  - D. Any dog that has the appearance and characteristics of being predominately of the breeds listed above; or
  - E. Any dog that has attacked or bitten any person without provocation, or when a propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.
2. “Confined” means:
  - A. Securely locked in a dwelling house; or
  - B. Completely enclosed in a locked, enclosed fence, pen, or other structure having a height of at least six feet; such pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; if the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides.

**56.02 VICIOUS DOGS CONFINED.** No person owning, possessing, harboring, or having the care or control of a vicious dog shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is securely leashed and securely muzzled.

**56.03 DOG SHOWS.** A vicious dog shall not be required to be muzzled when shown in an American Kennel Club Show or a show sanctioned by the American Kennel Club or when securely confined in a private vehicle and inaccessible to persons other than those within the vehicle.

**56.04 INSURANCE.** Any owner of a vicious dog shall provide to the Clerk the following:

1. An insurance policy or certificate of insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the negligent keeping of such dog.
2. The insurance policy or certificate of insurance shall provide that it cannot be canceled or terminated until ten days' notice by registered mail of such cancellation or termination shall have been received by the Clerk or designee.
3. The cancellation or other termination of any insurance policy issued in compliance with this section shall be a violation of this chapter unless another policy complying with this section shall be provided and in effect at the time of such cancellation or termination. The Clerk or designee shall immediately issue written notification of the violation of this chapter to the City Attorney. The City Attorney shall prosecute all violations of this chapter.

**56.05 IMPOUNDMENT.** All dogs found in violation of this chapter shall be seized and impounded or disposed of pursuant to Sections 55.13 and 55.14 of this Code of Ordinances. The owner, possessor, harborer, or person having care or control of said animal shall be served a summons to appear before a proper court to answer charges made thereunder.

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