

## CHAPTER 55

### ANIMAL PROTECTION AND CONTROL

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**55.01 DEFINITIONS.** When used in this chapter, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 any live creature, either domestic or wild, except humans. “Animal” includes fowl, fish and reptile.
3. “Animal hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of animal diseases and injuries.
4. “Animal nuisance” means any nuisance arising out of the keeping, maintaining, or owning of, or failure to exercise sufficient control of, an animal.
5. “Animal shelter” means the Cedar Valley Humane Society facility used for the temporary care, confinement and detention of animals, and for the humane killing and other disposition of animals. The term also includes any private facility authorized by the Council to impound, confine, detain, care for or destroy any animal.
6. “At heel” means a dog is directly behind or next to a person and obedient to that person’s command.
7. “At large” means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.
8. “Business” means any enterprise relating to any of the following:

- A. The sale or offer for sale of goods or services.
- B. Recruitment for employment or membership in an organization.
- C. A solicitation to make an investment.
- D. An amusement or entertainment activity.

9. “Companion animal” means domesticated dogs, cats, rodents, fish, and captive-bred species of common cage birds as well as other customary household pets sold by commercial pet shops.

10. “Cruelty” means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” means a failure to employ the most humane method reasonably available.

11. “Disposition” means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

12. “Domestic animal” includes domesticated sheep, horses, cattle, goats, swine, chickens, geese, turkeys, pheasants, ducks, and other birds and animals raised and/or maintained in confinement. Domestic animals are also referred to as farm animals or livestock. (Ordinance No. 1012, 9/1/10)

13. “Exotic animal” means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous or constrictor snake, emu, ostrich, pot-bellied pigs, member of the feline species other than domestic cat (*Felis Domesticus*), member of the canine species, including Staffordshire terrier, American pit bull terrier, American Staffordshire terrier or any dog with appearance and characteristics of being predominantly those breeds, excepting other domestic dog (*Canis Familiaris*) breeds, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

14. “Fair” means any of the following:

- A. The annual fair and exposition held by the Iowa State Fair Council 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.
15. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
16. “Grazing animals” means any domestic animal that feeds on the grasses grown on the property (e.g., horses, cows, sheep, goats).
17. “Guard dog” or “attack dog” means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.
18. “Impoundment” means the taking into custody of an animal by any police officer or any authorized representative thereof.
19. “Keeping” means the act of confining, harboring, maintaining, owning or sheltering an animal.
20. “Kennel” means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
21. “Muzzle” means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.
22. “Owner” means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this chapter. An animal is deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.
23. “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.
24. “Public nuisance animal” means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” includes, but is not limited to:

- A. Any animal that is repeatedly found running at large;
  - B. Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
  - C. Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
  - D. Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances, causing unreasonable annoyance, disturbance or discomfort to neighbors or others within 200 feet of the premises where the animal is kept or harbored (livestock raised for the purpose of agricultural uses is exempt from this provision);
  - E. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others within 200 feet of the premises where the animal is kept or harbored (livestock raised for the purpose of agricultural uses is exempt from this provision);
  - F. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
  - G. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom or movement of persons in a public right-of-way;
  - H. Any animal that chases motor vehicles in a public right-of-way;
  - I. Any animal that attacks domestic animals;
  - J. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
  - K. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
25. "Sanitary" means a condition of good order and cleanliness to minimize the possibility of disease transmission.
26. "Under restraint" means that an animal is secured by a leash, and under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.
27. "Vicious or dangerous animal" means any animal that attacks, bites, or physically injures human beings, companion animals or domestic

animals without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, companion animals or domestic animals. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be *prima facie* presumed vicious or dangerous.

28. “Wild animal” means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state. The term “wild animal” does not include: companion dogs (excluding hybrids with wolves, coyotes or jackals), companion cats (excluding hybrids with ocelots or margays), usual domestic animals, rodents, any hybrid animal that is part wild and captive-bred species of common cage birds.

**55.02 NUISANCES.** It is unlawful for any person to keep any animal on any property located within the corporate limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety. Any existing lawful agricultural uses and any animals associated with such agricultural uses, except wild or exotic animals, upon five (5) or more acres of property, at the time of adoption of the ordinance codified in this chapter, shall be deemed conforming to the regulations specified within this chapter. Furthermore, the conforming nature of this property transfers with the ownership for the same uses. The aforementioned deemed conforming agricultural nature of keeping animals on property transfers with a change of ownership, except in those cases where the agricultural use of animals has ceased for a period of one hundred eighty (180) days from change of ownership, or said agricultural use is not permitted to continue under the provisions of the Zoning Ordinance for the zoning district in which the property is located. No domestic animal shall be allowed on properties of less than five (5) acres. (Ordinance No. 1012, 9/1/10)

**55.03 KEEPING OF EXOTIC ANIMALS.** It is unlawful for anyone to own, harbor or permit at large any exotic animal without the written permission of the Animal Control Board. Such permission shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

**55.04 KEEPING OF NUMEROUS ANIMALS.**

1. No owner or custodian shall harbor or maintain such number of companion animals as to create unhealthy or unsanitary conditions for humans or animals occupying the premises, or create any other conditions constituting a public nuisance.
2. It is unlawful for any owner or custodian to own a cat or dog over six (6) months of age which has not been currently vaccinated against

rabies in accordance with the *Compendium of Animals Rabies Control* as compiled by the National Association of State Public Health Veterinarians, Inc. except those cats or dogs kept within a licensed kennel.

3. In areas where kennels are permitted, no kennel shall be located closer than 25 feet from the property line of the nearest adjacent residential lot.

4. It is unlawful for any person to keep or harbor bees unless the same are specifically authorized by the Council as agricultural or commercial use.

5. Where grazing animals are not confined to a building and the parcel of land is less than 20 acres, the number of grazing animals over 250 pounds shall be limited to one per acre of suitable grazing pasture. This subsection does not apply to parcels of land less than 20 acres that abut agricultural zoned property and which are used in conjunction with the agricultural uses of that property.

#### **55.05 CARING FOR ANIMALS.**

1. It is unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

2. No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway, or public place, or on private property when not in the care of another person.

3. It is unlawful for the owner or custodian of any animal to permit, facilitate or encourage any combat fighting between animals or between animals and humans.

#### **55.06 SANITATION.**

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

A. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and

B. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as permitted by law.

2. No person owning, harboring or keeping an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

3. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

#### **55.07 CRUELTY TO ANIMALS.**

1. It is unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

2. No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program. Furthermore, the use of commercial insecticides and rodent baits used to control insects and wild rodents are acceptable.

#### **55.08 RESTRAINT AND CONFINEMENT GENERALLY.**

1. It is unlawful for the owner of any animal to permit such animal to run at large upon the streets or public ways of the City, or fail to keep such animal under restraint in such a way as to prevent the animal to pass onto, over, or across a public sidewalk, street, alley, or private property other than the owner's property.
2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.
3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

#### **55.09 RESTRAINT OF GUARD DOGS.**

1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least seven (7) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.
2. All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees or more than ninety (90) degrees when measure from the perpendicular.
3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.
4. The provisions of this section do not apply to dogs owned or controlled by government law enforcement agencies.

**55.10 RESTRAINT OF VICIOUS OR DANGEROUS ANIMALS.** Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure not less than five (5) feet from property line and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged. Every person

harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal.

#### **55.11 LICENSING OF DOGS AND CATS.**

1. License Required. Cats or dogs over six (6) months old, which are not kept in a licensed kennel, shall be licensed by their owners through the Linn County procedure by which a rabies vaccination tag and certificate shall be obtained. This rabies vaccination tag and certificate shall be the license required by this chapter.
2. Proof of Vaccination Required. All owners must show, upon request of a police officer, satisfactory proof that the animal has been inoculated against rabies within the last three (3) years.

#### **55.12 IMPOUNDMENT.**

1. Property Owners May Impound. Any person finding an animal at large upon his or her property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his or her own possession, and as soon as possible, notify the Mayor or City Clerk. The property owner shall provide a description of the animal and the name of the owner if known. The Mayor shall dispatch an authorized representative to take possession of the animal.
2. City May Impound. In addition to any other remedies provided in this chapter, a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:
  - A. Any animal at large;
  - B. Any animal constituting a public nuisance or considered a danger to the public;
  - C. Any animal that is in violation of any quarantine or confinement order of the Linn County health official or Cedar Valley Humane Society;
  - D. Any unattended animal that is ill, injured, or otherwise in need of care;
  - E. Any animal that is reasonably believed to have been abused or neglected;
  - F. Any animal that is reasonably suspected of having rabies;
  - G. Any animal that is charged with being potentially dangerous or dangerous and a police officer or the Council determines that there is a threat to public health and safety;

H. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;

I. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence.

Any police officer may also, or in lieu of impoundment, issue to the owner a notice of violation.

### **55.13 NOTICE TO OWNER AND REDEMPTION.**

1. If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the police officer may return the animal to the residential address of the owner. If there is no one present, the police officer shall leave written notice of whom the owner must contact to reclaim the animal. The police officer shall then remove the animal to the nearest animal hospital or shelter that will accept the animal. Any costs associated with the hospitalization or sheltering shall be the responsibility of the animal's owner.

2. If the owner is known or determined, and has not reclaimed or redeemed an impounded animal within three (3) business days, the owner will then be sent notice by registered mail to their last known address that the impounded animal will be put up for adoption or humanely destroyed within fifteen (15) days of the date of the notice. If the owner has not reclaimed or redeemed the animal within said 15-day period, the animal thereafter may be adopted or humanely destroyed.

3. If the owner is unknown, an impounded animal shall be kept a minimum of three (3) business days (Monday-Friday, except holidays), and thereafter may be adopted or humanely destroyed.

4. Upon impoundment, an animal shall immediately be put up for adoption but shall not be adopted out until the waiting periods set forth in subsections 2 and 3 expire.

### **55.14 DISPOSITION OF ANIMALS.**

1. Vicious/Dangerous Animals or Animals at Large. It is lawful for a police officer to destroy any animal found at large or suspected to be vicious or dangerous where the animal cannot be captured by reasonable methods or without exposing the police officer and/or citizens to danger or personal injury.

2. Diseased Animals. An owner whose animal is suspected of having rabies or other disease communicable to humans shall place the animal in isolation under quarantine upon the direction of the Mayor for a minimum

of fourteen (14) days. In the event the animal has had a current rabies vaccination, the Mayor may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had a current rabies vaccination, or it cannot be determined whether the vaccination is current and evidence is not produced satisfactory to substantiate vaccination is current, or for any other reason that the Mayor so determines, the animal shall be quarantined at the Animal Shelter or a licensed veterinary hospital. If the animal is quarantined at the Animal Shelter or a licensed veterinary hospital, the owner shall pay all costs associated with the confinement.

3. Injured Animals. A police officer may humanely destroy any injured animal found at large. If the owner is known, every effort shall be made to contact before humanely destroying the animal. If owner is contacted, the owner's request shall be honored unless the police officer determines it is inhumane to the animal.

4. Large Animals. The police officer or other authorized representative who removes a large animal such as a horse, cow, mule, or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter.

**55.15 ADMINISTRATIVE SANCTIONS AND REMEDIES.** As part of any order issued pursuant to this chapter, the Council shall have the authority to order the following administrative sanctions and remedies:

1. Obedience training for the animal in question;
2. Muzzling of an animal while off the property of the owner;
3. Confinement of an animal indoors;
4. Confinement of an animal in a secure enclosure;
5. Reduction of the number of animals kept at any one location;
6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty;
7. The sterilization of an animal;
8. A ban on maintaining other animals in the City; and
9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

**55.16 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717.E)*

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 event.
  - 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 which 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.

**55.17 APPEALS.** Any person aggrieved by any decision of a police officer or other enforcement officer, except the issuance of a municipal infraction citation, may appeal the same to the Council by filing an appeal with the Council within ten (10) days of receiving notice of the decision. Any person aggrieved by any decision or order of the Council may appeal the same to the Linn County District Court as provided by State law.

**55.18 ENFORCEMENT.** The police officer or other duly designated personnel shall be the enforcement officials for this chapter. These officials shall have the authority to act on behalf of the City and the Council in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter. It is a violation of this chapter to interfere with a police officer or other enforcement official in the performance of duties.

**55.19 VIOLATIONS AND PENALTIES.** It is a violation of this chapter to:

1. Fail to comply with any provision of this chapter;
2. Fail to comply with any lawful order of the Council or police officer, unless such order is lawfully stayed or reversed; or

3. Fail to pay any fines, civil penalties or costs imposed by the Council or police officer within fifteen (15) days of the imposition of such fines or costs, unless payment thereof is lawfully stayed.

Any person, firm, or corporation who violates any provision of this chapter shall be deemed guilty of a municipal infraction and/or misdemeanor, and shall be punished in accordance with the provisions of this Code of Ordinances. If a violation continues, each day's violation shall be deemed a separate offense. Police officers are herewith authorized to issue and deliver citations to any person accused of violating any of the provisions of this chapter.

**55.20 SCHEDULED OFFENSES AND FINES. The following scheduled fines are fixed for violations of the designated sections of this Ordinance:**

(a) For violation of Section 55.11 (rabies vaccination)	\$25.00
(b) For violation of Section 21.22 (rabies vaccination tags)	\$25.00
(c) For violation of Section 55.12 (running at large)	
First Offense	\$25.00
Second Offense	\$50.00
Third Offense	\$75.00
Over Third Offense	Municipal Infraction
(d) For violation of Section 55.07 (cruelty to animals)	\$50.00
(e) For violation of Section 55.06 (sanitary conditions)	\$30.00
(f) For violations of Section 55.21 (annoyance or disturbance)	
First Offense	\$25.00
Second Offense	\$50.00
Third Offense	\$100.00
Fourth or more Offense	Municipal Infraction

Any person, firm, or corporation who violates any additional provision of this chapter shall be deemed guilty of a municipal infraction and/or misdemeanor, and shall be punished in accordance with the provisions of this Code of Ordinances. If a violation continues, each day's violation shall be deemed a separate offense. Police officers are herewith authorized to issue and deliver citations to any person accused of violation any of the provisions of this chapter.

**55.21 ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner or a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles. (Ordinance No. 1206, 11/5/12)