

Title 6

ANIMALS

Chapter 6.04
ANIMAL PROTECTION AND CONTROL

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6.04.010 Definitions. The following terms are defined for the use of this Code of Ordinances pertaining to Animal Protection and Control:

1. "Animal" means any non human vertebrate.
2. "At Large" means any dog or cat found off the premises of the animal's owner when the animal is not attached to a leash held by a competent person or restrained within a motor vehicle.
3. "Owner" means any person owning, keeping, sheltering or harboring an animal. (Code of Iowa, Sec 351.2)

6.04.020 Cruelty to Animals. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

(Code of Iowa, Sec 717.2)

6.04.030 Abandonment. A person who has ownership 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 717.4)

6.04.040 Exhibitions and Fights. No person shall arrange, promote, or stage an exhibition at which any animal is tormented or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

(Code of Iowa, Sec 717.3)

6.04.050 Injuries to Animals. No person, having no right to do so, shall maliciously kill, maim, or disfigure an animal of another, or maliciously administer poison to any such animal, or expose a poisonous substance with the intent that the same should be taken by any such animal.

(Code of Iowa, Sec 717.1)

6.04.060 At Large Prohibited. It is unlawful to allow an animal to run at large within the corporate limits of the City.

6.04.070 Keeping of Livestock Prohibited. The raising, keeping, stabling, harboring or maintaining of sheep, swine, cattle, horses, ponies, goats, donkeys, mules, bees, fowl and geese within the corporate limits of the City is prohibited, with the following exceptions.

1. Keeping livestock up areas of land one acre or more upon which is the residence of the owner or tenant of said land is situated.
2. Keeping livestock upon land which is designated and taxed as agricultural land pursuant to State law.

In no event shall any livestock be kept, harbored, stabled or maintained within two hundred (200) feet of any occupied residence within the corporate limits of the City except as to the residence specified in subsection 1 of this section.

6.04.080 Damage or Interference. It is unlawful for the owner of a dog to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

6.04.090 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 or persons by frequent and habitual howling, yelping, barking, or otherwise: or, by running after or chasing person, bicycles, automobiles or other vehicles.

6.04.100 Limited Number of Animals Allowed. It is unlawful except for a licensed kennel or pet shop, veterinary hospital or animal grooming shop, for an owner to harbor, to house on the said owner's premises more than three (3) dogs, cats, rabbits, or any combination thereof, over the age of six (6) months. Persons who own, possess or keep more than three (3) mature animals per household on the effective date of this section shall be permitted to continue to own, possess or keep those animals only but shall not be permitted to replace an animal which dies, is sold, transferred or otherwise disposed of until the total number of animals per household is decreased to three (3). Variances to this or any other part of this ordinance will be made on a case by case basis. A public hearing will be held on variance requests. If a variance is allowed, a resolution shall be adopted by the city council which states the reason for the variance.

6.04.110 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.

6.04.120 Rabies Vaccination. Every owner of a dog shall obtain rabies vaccination for such animal. It is unlawful for the person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

6.04.130 Owner's Duty. It is the duty of the owner of any dog, cat or other animal which 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 the physicians and the veterinarians to report to the local board of health the existence on any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

6.04.140 Confinement. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it 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 two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

6.04.150 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.

6.04.160 Disposition of Animals. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. 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 does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

6.04.170 Impounding Costs. Impounding costs are seven (\$7.00) dollars per day, Monday through Friday and ten (\$10.00) dollars per day, Saturday and Sunday.

(Code of Iowa, Sec. 351. 37)

Chapter 6.08

DANGEROUS AND VICIOUS ANIMALS

Sections:

6.08.010 Definitions

6.08.020 Keeping of Dangerous Animals Prohibited

6.08.030 Keeping of Vicious Animals Prohibited

6.08.040 Seizure, Impoundment and Disposition

6.08.050 Variance Provisions

6.08.010 Definitions. For the use in this chapter, the following terms are defined:

1. “Dangerous Animal” means (a) any animal which is not naturally tame or gentle, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animal declared to be dangerous by the County Board of Health or Council or its designee; and (c) the following animals, which are deemed to be dangerous per se:

- A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
- B. Wolves, coyotes and foxes;
- C. Badgers, wolverines, weasels, skunks and mink;
- D. Raccoons;
- E. Bears;
- F. Monkeys and chimpanzees;
- G. Bats;
- H. Alligators and Crocodiles;
- I. Scorpions;
- J. Snakes that are venomous, or Constrictors
- K. Gila monsters;

L. Any dog of that breed known variously as American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier; or any dog of mixed breed which contains a strain of such breed which is identifiable as such by a qualified veterinarian licensed in the State.

2. “Vicious Animal” means any animal, except for a “dangerous animal” per se, as listed above that has bitten or clawed a person or persons while running at large and the attack was unprovoked; or any animal that has known propensity of disposition to attack 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 any animal which exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve month period; or (b) did bite or claw once causing injuries about the shoulder of a person ; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal of fowl on three separate occasions within a twelve month period.

6.08.020 Keeping of Dangerous Animals Prohibited. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City except in the following circumstances;

1. The keeping of dangerous animals for the exhibition to the public by a bona fide traveling circus, carnival exhibit show.
2. The keeping of dangerous animals in a bona fide, licensed veterinary clinic for treatment.
3. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources to pursuant to Chapters 481 A and 481 B of the Code of Iowa.

6.08.030 Keeping of Vicious Animals Prohibited. No person shall keep, shelter or harbor for any reason within the City a vicious animal except animals under the control of a law enforcement or military agency.

6.08.040 Seizure, Impoundment and Disposition.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor, be destroyed if it cannot be confined or captured. The City be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in that City, the Mayor shall cause that matter to be investigated and if after investigation that facts indicate that the person named in that complaint to safely remove such animal from the City, permanently placed the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impoundment are not possible without risk of serious physical harm or death to any person.
3. The order to remove a dangerous animal or vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after the receipt of the order contained in the notice to remove dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.
4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the notice of the appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.
5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal, remove such animal for the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals, or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied within three (3) days or the order of the council after the appeal is not complied within three (3) days of its issuance, the Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

6.08.050 Variance Provisions.

When the council finds that extraordinary hardships or conditions result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the rules.

In granting variances and modifications, council may require conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.