

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Owner's Duty
55.02 Animal Neglect	55.12 Confinement
55.03 Livestock Neglect	55.13 At Large Impoundment
55.04 Abandonment of Cats and Dogs	55.14 Disposition of Animals
55.05 Livestock within City Limits Prohibited	55.15 Impounding Fees
55.06 At Large Prohibited	55.16 Summons Issued
55.07 Damage or Interference	55.17 Limited Number of Dogs
55.08 Annoyance or Disturbance	55.18 Defecation
55.09 Prohibited Acts	55.19 Pet Awards Prohibited
55.10 Rabies Vaccination	55.20 Penalties

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. "Kennel" means any premises in which three or more dogs or three or more cats, six (6) months old or older, are kept for sale or temporary boarding which are kept under constant restraint.

8. “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)

9. “Owner” means any person owning, keeping, sheltering or harboring an animal.

10. “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.

11. “Veterinary hospital” means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseased and injured animals.

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 WITHIN CITY LIMITS PROHIBITED. It is unlawful for any person to keep within the corporate limits of the City all cattle, swine, sheep, goats, or fowl (including chickens, geese, ducks, and pigeons), except by written consent of the Council. The restrictions herein imposed are not applicable to persons legally keeping or raising such animals within the corporate limits as of September 22, 1977.

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 PROHIBITED ACTS. It is unlawful for any person to do the following:

1. Aid or cause any animal whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.
2. Fail to restrain an animal by such person or in such person's custody or control within an enclosure or upon a leash when such animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming into contact with public right-of-way or the property of another.
3. Interfere in any manner with any employee or designated representative of the City so as to hinder, delay, or prevent the execution of such employee's duty in relation to the matters and things contained in these chapters pertaining to Animal Control.
4. Fail to keep in a clean and sanitary condition the premises in any pen, kennel, shelter, house, or person's dwelling or other structure where an animal under such person's care and control is at any time kept. At least once every 24 hours, or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and the same shall be properly disposed of. Feces shall be held in watertight and flytight containers pending disposal and shall be disposed of at least once weekly. The animal and the place where the animal is maintained shall also be kept from of obnoxious odors and shall be maintained so as to not attract or permit the harborage or breeding of flies and other insects, rodents, or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.
5. Own or harbor more than three dogs over 12 months of age at any one time, or keep more than ten dogs under two months of age at any one time or for more than 50 days in any year. The provisions of this subsection do not apply to persons operating a commercial, boarding, or hobby kennel.
6. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
7. All feces removed as aforesaid shall be placed in a container and shall be stored in a sanitary manner in appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise dispose of in a sanitary manner.
8. Own or harbor more than four rabbits at any one time.

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. Children claiming to have been bitten by an animal must be accompanied by a parent or legal guardian. 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.

1. When the City receives information that a person has been bitten by an animal or that a dog or animal suspected of having rabies, a peace officer shall order the owner to deliver such animal to a veterinarian in the County for examination within 24 hours.
2. If the animal has been vaccinated in the manner required by this Code of Ordinances, the owner may, after the animal has been examined by a veterinarian, confine the animal at his or her place of residence. If this is not possible, the animal must be confined at a veterinary hospital. In either case, the animal must be confined for a period of 14 days.
3. If the animal is confined by the owner, the same veterinarian who examined the animal at commencement of confinement, or a veterinarian designated by the original veterinarian, must re-examine the animal and issue a written release before the owner may end such confinement.
4. If the owner fails to confine the animal as ordered, the animal shall be apprehended and impounded by the City, and after two weeks, the City may humanely destroy the animal. If the animal is returned to its owner, the owner shall pay the cost of impoundment.
5. If the animal has not been vaccinated in the manner required by this Code of Ordinances, the animal shall be confined at a veterinary hospital for 14 days or be immediately humanely destroyed and the brain transported to a qualified laboratory for examination.
6. The veterinarian examining such animal shall report his or her findings to the Iowa County Board of Health, to the City, and to the physician attending the victim within 24 hours of the final examination. Said report should be made immediately by telephone or in person and verified in writing at the earliest opportunity.
7. The owner of any animal reasonably subjected to the foregoing procedures shall pay all expenses resulting from such apprehension, confinement, examination, and/or destruction.

55.13 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.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment,

if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.15 IMPOUNDING FEES. The impounding fee shall be established by resolution of the North English City Council.

55.16 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

55.17 LIMITED NUMBER OF DOGS. No household shall maintain on its premises within the City more than three dogs, regardless of breed, within the exception of a litter of pups, which shall remain on the premises for no more than 12 weeks.

55.18 DEFECATION. No owner of any dog, cat or other animal (or other person having control or responsibility of such animal) shall:

1. Allow or permit such animal to defecate on private property without the express consent of the owner of such property, or fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.
2. Allow or permit such animal to defecate on public property, including (but not limited to) public property located between curb lines of public streets, parking, adjacent property lines and public property located within parks, or fail to pick up and dispose of any feces deposited by such animal on public property.

55.19 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.

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.

55.20 PENALTIES. Any violation of this chapter shall be considered a simple misdemeanor or municipal infraction as provided in Chapter 3 of this code. The following schedule of civil penalties shall apply for violations punished as a municipal infraction:

First Offense	\$10.00
Second Offense	\$20.00
Third Offenses	\$50.00
Fourth and Subsequent Offense(s)	\$100.00

[The next page is 261]