

CHAPTER 32**ANIMAL PROTECTION AND CONTROL**

32.01 DEFINITIONS. For use within this Chapter the following definitions shall apply:

1. "Animal" means a living creature, not human and being either domestic or wild.
2. "Animal Control Officer" means a person designated by the City to perform such duties involving animal control and having authority to enforce this Chapter.
3. "Animal Pound or Shelter" means any premises, either designated by or contracted for by the Council, for the proper care of impounded animals held under the authority of this Chapter.
4. "At Large" means an animal off the premises of the owner. An animal properly licensed as required by this Chapter shall not be deemed at large if such animal:
 - A. Is confined within a suitable enclosure under the control of a competent person, or
 - B. Is confined within a motor vehicle under the control of a competent person, or
 - C. 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 ten (10) feet in length, or properly restrained within a motor vehicle, or
 - D. Is properly housed in a veterinary hospital or licensed kennel, pet shop, or City designated animal pound.
5. "Cat" means all members of the Felis Domestica species, male or female, altered or unaltered.
6. "Competent Person" means a person of such maturity as to be able to exercise control over a dog or cat.
7. "Dog" means and include members of the canine species, male or female, altered or unaltered.

8. "Owner" means any person or persons, firm, association or corporation, owning, keeping, paying the license for, or harboring a dog, cat, horse, or other animal.

32.02 PETS: TYPES AND NUMBERS OF ANIMALS PERMITTED. The following animals may be owned as pets under the following conditions:

1. Dogs not to exceed three in number and cats not to exceed three in number at or in a residential dwelling, which dogs and cats are owned and maintained in compliance with the provisions of this Chapter relating to such animals.
2. Rabbits not to exceed three in number at or in a residential dwelling, and which must be maintained in a hutch or other type of enclosure.
3. Domestic poultry and fowl, that is poultry and fowl ordinarily raised for production of eggs or meat, not to exceed two in number considered together at or in a residential dwelling and maintained at all times in a pen and/or coup.
4. Vietnamese Pot Bellied Pigs, Asian Pot Bellied Pigs or pot bellied pigs not to exceed two in number of the types considered together at or in a residential dwelling.
5. The young produced by any pets permitted herein may be maintained at or in a residential dwelling with the parent animals for a period of approximately eight weeks but in no case longer than ten weeks.

32.03 ENCLOSURES. Any enclosure, pen, coup, or hutch in which pets are maintained shall be cleaned at least every other day or oftener if deemed advisable or necessary by a health officer or the Chief of Police. Said enclosures shall be located at a minimum of twenty-five (25) feet from a neighboring residential dwelling. No animal may be enclosed or fenced in the front yard of a residential dwelling.

32.04 INDOOR PETS. Gerbils, hamster, guinea pigs, mice, birds, snakes and other similar animals normally maintained as pets in an enclosure inside a residential dwelling are not prescribed by this Chapter unless provided otherwise by this Code.

32.05 OFFENSES. No owner of any dog, cat or other animal, or person having control or responsibility thereof, shall:

1. Allow or permit such animal to run at large.
2. Allow or permit such animal to urinate or defecate on private property without the express consent of the owner of such property.

3. Fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.
4. Allow or permit such animal to urinate or defecate on public property, including, but not limited to, public property located between curb lines of public streets and adjacent property lines and public property located within parks.
5. Fail to pick up and dispose of any feces deposited by such animal on public property.
6. Allow or permit such animal to pass upon public or private property thereby causing damages to or interference with such property.
7. Allow or permit a dog to cause annoyance or disturbance to any person by frequent and habitual barking, howling or yelping.
8. Allow or permit a dog to run after, chase, or attack any person or vehicle or place any person in reasonable fear of attack or injury.
9. Keep, shelter or harbor any unlicensed animal.
10. Keep, shelter or harbor any animal without a license tag attached to its collar or harness as required by this Chapter.
11. Keep, shelter or harbor any animal with an expired license tag attached to its collar or harness.
12. Keep, shelter or harbor any unvaccinated animal.
13. Keep, shelter or harbor any animal without a vaccination tag attached to its collar or harness as required by law.
14. Keep, shelter or harbor any animal with an expired vaccination tag attached to its collar or harness.
15. Allow or permit such animal to destroy or damage property other than the property of the owner of such animal.
16. Abandon any animal within the corporate limits of the City.

32.06 SEIZURE AND IMPOUNDING. Any animal found in violation of the provisions of Section 32.05 of this Chapter shall be seized and impounded.

It shall be the duty of the Chief of Police or the duly appointed animal control officer of the City, or their lawful agents, to cause any animal in violation of this Chapter to be seized and impounded.

32.07 NOTICE TO OWNER OF LICENSED ANIMAL. The owner of any animal licensed in accordance with the provisions of this Chapter which has been seized and impounded shall be notified of such seizure and impounding within three (3) business days thereof by such person in such manner as the City Council may direct by resolution.

32.08 DISPOSITION OF IMPOUNDED ANIMALS. The owner of any animal licensed in accordance with the provisions of this Chapter which has been seized and impounded may obtain the release of such animal by the payment of the impoundment fee and the reasonable cost of food and care for such animal during the period of impoundment. Any such animal not released to its owner within three (3) days of the date of notice to such owner may be transferred to a designated humane society or animal shelter facility.

The owner of any unlicensed or unvaccinated animal which has been seized and impounded may obtain the release of such animal, upon proper identification of the owner and the animal, by obtaining a license for such animal in accordance with the provisions of this Chapter and by the payment of the impoundment fee and the reasonable cost of food and care for such animal during the period of impoundment.

32.09 IMPOUNDMENT FEE. An impoundment fee shall be charged on all impounded animals. Such impoundment fees may be established by the Council based in the recidivism of the same animal and increasing on successive impoundments. All impoundment fees are listed in section 32.35 of this ordinance.

32.10 CRUELTY TO ANIMALS PROHIBITED. It shall be unlawful for any person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any animal by any means which cause unjustifiable pain, distress, or suffering, whether intentionally or negligently, to any animal, or for any owner unnecessarily to fail to provide any animal with proper food, drink, shelter, or protection from the weather, or to abandon any animal.

(Code of Iowa, 1995, Sec. 717.2)

32.11 ANNUAL LICENSE REQUIRED. The owner of all dogs and cats six (6) months of age or older, shall annually obtain a license therefor as hereinafter provided.

Every owner of a dog or cat under the age of six (6) months on January 1 of any year shall apply for an annual license for each such dog or cat on or before the first day of the first month after each such dog or cat reaches the age of six (6) months.

32.12 EXCEPTIONS TO LICENSE REQUIREMENTS. The requirements for licensing dogs and cats shall not apply to such animals if one or more of the following situations apply:

1. In transit through the City only.
2. First thirty (30) days of residency by the owner.
3. Housed in a veterinary hospital.
4. Housed temporarily in an animal grooming shop.
5. Housed in an establishment licensed kennel.
6. Housed in an accredited institution for research purposes only.

32.13 APPLICATIONS. The owner of a dog or cat, for which a license is required, shall on the first day of January of each year apply to the City Clerk for a license for each dog or cat owned by him or her. Applications made on or after April 1 of that year shall be delinquent. An application for an annual license for a dog or cat which is under the age of six (6) months on January 1 of any year shall be delinquent if made on or after the first day of the sixth month after such dog or cat reaches the age of six (6) months. Applications for licenses shall be in writing on forms provided by the City Clerk, and shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, the address at which the owner regularly keeps, shelters or harbors the dog or cat, and the name and address of the owner, and be signed by said owner. Such application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be re-vaccinated.

Such application shall be accompanied by a certificate of vaccination issued by a licensed veterinarian showing that the dog or cat described in the application has been vaccinated against rabies.

32.14 LICENSE FEES. An application for an annual license for a dog or cat shall be accompanied by the required annual license fee. All annual license fees are listed in section 32.35 of this ordinance.

32.15 DELINQUENCY. All license fees for dogs and cats become delinquent on April 1 of the year

in which they are due and payable, and a penalty of one (1) dollar per month shall be added to each unpaid license on and after said date.

32.16 DELINQUENT FEE LIST. The City Clerk may, in the Clerk's discretion or at the request of the City Council, prepare and submit to the Council a delinquent fee list which shall show the following:

1. The name and residence address of each person within the City who is the owner of a dog or cat which is not licensed in accordance with the provisions of this Chapter for the current year and the amount of fees, including delinquency fees, due from such owner.
2. The name and residence address of each person within the City who licensed a dog or cat in accordance with the provisions of this Chapter in the previous year which is not licensed in accordance with the provisions of this Chapter for the current year and the amount of fees, including delinquency fees, due from such owner.

The foregoing list shall not include the owner of any dog or cat who, upon the death, transfer of ownership or disappearance for more than sixty (60) days of said animal, within ten (10) days of such event, notifies the City Clerk of such event and surrenders the license and license tag, if available, issued to the owner.

32.17 PUBLIC HEARING - DELINQUENT FEE LIST. Upon submission of the delinquent fee list to the Council, the Council may by resolution fix a date, time and place for a public hearing thereon. The Clerk shall mail a written notice of such public hearing to the owner of each dog or cat which appears on such list by ordinary mail at least ten (10) days prior to the date fixed for such public hearing. The notice shall state the date, time and place of such public hearing and shall advise the owner of each dog or cat which appears on such list that he or she may appear at such hearing and show cause why the delinquent fees shown thereon for each such dog or cat should not be paid. After such public hearing, the Council shall enforce such fees by any legal means permitted under this Code or release obligation for payment of fees if sufficient cause is shown for nonpayment.

32.18 VACCINATION OF DOGS AND CATS. All dogs and cats over the age of six (6) months shall be inoculated for the prevention of rabies and the owner of said animal shall obtain and return a certificate as evidence of said anti-rabies inoculation by a licensed veterinarian. The certificate shall show that the vaccination does not expire within six (6) months of the effective date of the dog or cat license.

32.19 ISSUANCE OF LICENSE AND LICENSE TAG. Upon receipt of an application for an annual license for a dog or cat in accordance with the provisions of this Chapter, and the payment of all fees applicable thereto, the City Clerk shall issue to the owner a dog or cat license and a dog or cat license tag.

The dog or cat license shall state the number of the license, the name and residence address of the owner of the dog or cat and a description of the dog or cat.

The dog or cat license tag shall state the number of the license and the year for which it is issued.

32.20 DISPLAY OF LICENSE TAG. Upon issuance of the license tag, the owner of the dog or cat shall cause the license tag to be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license tag is issued.

32.21 DUPLICATE LICENSE TAG. Upon proof by the owner of a dog or cat that a license tag issued to such dog or cat in accordance with the provisions of this Chapter has been lost or destroyed, the City Clerk shall issue a duplicate tag to the owner of such dog or cat. Such duplicate license tag shall be securely fastened to the collar or harness of such dog or cat in accordance with the provisions of this Chapter.

32.22 DUPLICATE LICENSE TAG FEE. A duplicate license tag fee of one (1) dollar shall be charged for all duplicate license tags.

32.23 NONTRANSFER OF LICENSE OR LICENSE TAG. No license or license tag issued in accordance with the provisions of this Chapter shall be transferred to any other person or dog or cat.

32.24 EXPIRATION OF LICENSE AND LICENSE TAG. All licenses and license tags issued in accordance with the provisions of this Chapter shall expire on January 1 of the year following the year for which they were issued.

32.25 TRAPPING. It shall be unlawful for any person to place out of doors on public or private property any trap, snare or other device that is designed to entrap or capture any animal or fowl without the permission of the Chief of Police. In any proceeding charging the violation of this section, a prima facie presumption shall exist that the owner of said trap, snare or other device was the person placing the same.

32.26 VICIOUS DOGS. Notwithstanding any other provision of this Chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal within the City.

1. For the purposes of this section, a "vicious" dog means:

A. Any dog which has attacked a human being or domestic animal one or more times, without provocation; or

B. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

- C. Any dog that snaps, bites, or manifests a disposition to snap or bite; or
- D. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or
- E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States.
- F. The American pit bull terrier breed of dog; or
- G. The American Staffordshire terrier breed of dog; or
- H. Any dog which has the appearance and characteristics of being predominately of the breeds of American Pit Bull Terrier or American Staffordshire Terrier.

32.27 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS.

1. The Chief of Police or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may initiate proceedings to declare such dog a vicious dog. The owner(s) or person in possession of the dog must notify the City Administrator within 3 business days of their desire for a hearing on the declaration of a vicious dog. If the owner contests said designation a hearing on the matter shall be conducted by the City Administrator or his or her designee. The person, firm, or corporation owning, keeping, sheltering, or harboring the dog in question shall be given not less than (3) business days written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner is required to remove the dog from the City, as required by this Chapter. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.
2. If, after hearing, the City Administrator or his or her designee determines a vicious dog held in violation of this Chapter as set out in the notice of hearing, the City Administrator or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City. The

order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within 3 business days of its issuance, the City Administrator or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of 7 business days. If at the end of the impoundment period, the individual or entity against whom the order of the City Administrator or his or her designee was issued has not appealed such order to the City Council, or has not complied with the order, the City Administrator or his or her designee shall cause the vicious dog to be destroyed in a humane manner.

3. The order to remove a vicious dog from the City issued by the City Administrator or his or her designee may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within 3 business days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator or his or her designee.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator or his or her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within 3 business days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the City Administrator or his or her designee, the arguments of the parties or their representatives, any additional evidence, which was not available at the time of the hearing before the City Administrator or his or her designee, and any other information the City Council deems necessary.

5. If the City Council affirms the action of the City Administrator or his or her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog such animal from the City. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice set out in subsection (1) of this section. If the original order of the City Administrator or his or her designee is not appealed and is not complied with within 3 business of its issuance, the Chief of Police or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or his or her designee or the City Council was issued has not petitioned the Polk County District Court for a review of said order, or has not complied with the order, the City Administrator or his or her

designee shall cause the dog to be destroyed in a humane manner.

6. Failure to comply with an order of the City Administrator or his or her designee issued pursuant hereto and not appealed, or of the City Council after appeal, is a municipal infraction.

7. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine, which shall nonetheless be paid by the owner.

32.31 QUARANTINE FOR A MINIMUM PERIOD OF 14 DAYS.

1. It shall be the duty of the Chief of Police to order the owner of any animal which has bitten a person or another animal, or any animal suspected of being infected with rabies to confine such animal for a period of fourteen (14) days at the animal shelter, a veterinary clinic, or a registered kennel.

2. Notwithstanding subsection 1 of this section, the animal control officer may allow a dog or cat or any other animal to remain in quarantine for that period on the property of the owner so long as the dog or cat or any other animal is confined there and is out of contact with members of the public or other animals during the quarantine period when the dog, cat, or any other animal:

- A. Has a current certificate of inoculation for rabies; and
- B. Is properly licensed, in the case of dogs; and
- C. Has properly displayed all required tags; and
- D. Has not previously bitten a person; and
- E. The owner has suitable and secure quarters in which to isolate the animal.

Home quarantine shall not be allowed where there is a reasonable belief that the animal's condition, or circumstances including consideration of the nature or severity of the bite, require observation at the animal shelter, a veterinary clinic, or a registered kennel, or where the animal does not remain in quarantine in the manner prescribed by the animal control officer for the fourteen (14) day period.

32.32 REQUIREMENT WHEN ANIMAL HAS BITTEN A PERSON. The owner of an animal shall report at once to the Police Department the fact that his or her animal has bitten or attacked a person or domestic animal, and all persons having knowledge of such fact shall report the same to the Police Department. Any person claiming to have been bitten by an animal must go in person to the police Department or to a physician to show proof of a bite if deemed necessary by the director of public health. Children claiming to have been bitten by an animal must be accompanied by a parent or legal guardian.

32.33 REPORT OF PERSON WHOSE ANIMAL HAS BEEN BITTEN. Every person owning or having possession, custody, or control of an animal which is known to have been bitten by an animal infected with rabies shall immediately report this fact to the Police Department and shall have the exposed animal placed in isolation and quarantine as provided by this Code.

32.34 PENALTY. Any person violating Section 32.26 (Vicious Dogs) shall be guilty of a municipal infraction. Any person violating any other section of this Chapter shall be guilty of a misdemeanor.

32.35 FEES.

<u>License Fee – Spayed or Neutered:</u>	<u>\$10.00 per animal</u>
<u>License Fee – Not Spayed or Neutered:</u>	<u>\$20.00 per animal</u>
<u>Impound Fee:</u>	<u>\$75.00 first offense</u>
<u>Impound Fee:</u>	<u>\$100.00 each subsequent offense within a twelve (12)</u>
	<u>month period</u>
<u>Board Fee:</u>	<u>\$20.00 per day</u>