

## Chapter 7: Animal Regulations

- 7.1 Purpose.** This Chapter establishes responsibilities for animal owners or custodians in order to effectively manage animals and to control the danger to the public health, safety, and welfare presented by animals in the City and provides a mechanism to address animal control issues, problems, and complaints.
- 7.2 Types and Numbers of Animals Permitted.** The following animals may be owned as pets under the following conditions:
- A.** Dogs not to exceed three in number.
  - B.** Cats not to exceed three in number.
  - C.** Rabbits not to exceed three in number, and which must be maintained in a hutch or other type of enclosure.
  - D.** 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.
  - E.** Any combination of the above, not to exceed four.
  - F.** 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.
- 7.3 Animal At-Large Prohibited.** It shall be unlawful for the owner or custodian of any animal to fail to keep the same from running "at large" in the City. The following shall apply:
- A.** Any animal found to be "at large" within the City shall be deemed a public nuisance.
  - B.** Animals found "at large" may be apprehended and impounded, costs of which shall be paid by the animal's owner or custodian.
  - C.** An animal shall not be deemed "at large" if the animal is on the premises or property of the animal owner or custodian or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas, or property not owned by the animal's owner or custodian.
  - D.** Animals injured or killed on or along public streets or public right-of-ways shall be deemed "at large" and the Enforcement Officer may remove all such animals and at his or her discretion take such animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this Chapter.
  - E.** It is lawful for any person who finds an animal "at large" to seize and hold the animal. Any person so seizing and holding an animal may confine it within a fenced yard, house, garage or other structure owned by them, or by physically restraining such animal on a harness, collar or leash. The person seizing and holding the animal shall be responsible for the humane treatment of the animal while it is under that person's custody, and shall notify the Enforcement Officer within forty-eight (48) hours that the animal is in their custody. The provisions of this Chapter shall not infringe upon any right or duty created by Section 351.25 or Section 351.27 of the Iowa Code.

- a. Any dog that has been impounded by the City shall have an identifying microchip inserted under its skin at its owner/custodian's expense prior to being released to the owner/custodian. The fee for this procedure shall be equal to the reasonable costs incurred by the City for the procedure.
- b. Notwithstanding the above, "at large" means off the premises of the owner or custodian, whether by accident, design, or otherwise, unless:
  - i. The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;
  - ii. The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;
  - iii. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.

**7.4 Owners and Custodians of Animals.** Owners and custodians of animals shall have the following duties and standards:

- A. Humane Treatment.** An owner or custodian shall provide adequate food, water, shelter, humane treatment and any necessary medical treatment for any animal in its care. It shall be unlawful under this Chapter for any person to beat, starve or otherwise abuse any animal.
- B. Sanitary Conditions.** An owner or custodian shall keep all structures, pens, or yards wherein dogs or cats are confined, clean, devoid of vermin and free of odors arising from urine or feces.
- C. Removal of Feces.** No owner or custodian of a dog or other animal shall permit their animal to discharge feces upon any public or private property, other than the property of the owner or custodian of the animal. The owner or custodian shall not however, be considered in violation of this subsection provided he or she takes steps to immediately remove and clean up the feces discharged by the animal from the property. All feces removed as aforesaid shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner.
- D. Tethering.** An owner or custodian may not stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property of anyone other than the owner's or custodian's property. No animals shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness, not of the choker type, provided that the proper use of "choker collars" in the training of animals shall not be prohibited. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length.

- E. Abandonment.** No owner or custodian may abandon any animal where it may become a public charge, nuisance, or may suffer injury, hunger or exposure. If an animal is restrained or confined out of doors without food, water or proper care as defined in this Chapter, the Enforcement Officer or other authorized agent may enter upon any such property where the animal is restrained or confined and supply it with the necessary food, water and care so long as it remains there abandoned.
- F. Rabies Vaccination.** Every owner of a dog or cat shall obtain a rabies vaccination for such animal and maintain a current vaccination tag on the animal's collar at all times. The rabies vaccination shall be administered in accordance with Chapter 351 of the Code of Iowa. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required. It is unlawful for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies.
- G. Minimum Age.** No dog may be licensed under this Chapter unless at least one of the registered owners or custodians of said dog is at least eighteen (18) years of age. All registered owners or custodians (or owners or custodians of an unlicensed dog) eighteen (18) years of age or older shall be personally, jointly and severally liable for compliance with the provisions of this Chapter.
- H. Transfer of Ownership.** A new owner or custodian shall within ten (10) days from the date of a change in ownership of dog make an application and pay the fee for a new license as provided in this Chapter.
- I. Reporting a Bite or Attack.** The owner or custodian of any animal that has bitten or attacked a person or any person having any knowledge of such bite or attack must report the incident to the Enforcement Officer.
- J. Deceased Animals.** The owner or custodian of any deceased animal, including livestock, must dispose of the carcass within twenty-four (24) hours. The owner or custodian may dispose of the carcass by delivery to a licensed facility for the cooking or burning of the carcass or, in the case of small domestic animals, may dispose of the carcass by burial. In case of disposal by burying, the burial shall be to such depth that no part of such body shall be nearer than four feet to the natural surface of the ground, and every part of such body shall be covered with quicklime, and by at least four feet of earth. Any person or persons violating this section shall bear full cost and expenses incurred by the City for the disposal of said animals if necessary and shall be subject to a municipal infraction as described in Chapter 4.
- K. Annual License Required.** The owner of all dogs and cats six (6) months of age or older, shall annually obtain a license therefore as hereinafter provided. Every owner of a dog or cat under the age of six (6) months on March 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. 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.

**L. Habitual Irresponsible Animal Owner or Custodian.** Any animal owner or custodian that has been deemed responsible for three violations of this chapter within a twelve (12) month period may be designated an "irresponsible animal owner." Upon such designation, the City may confiscate and dispose of all animals owned or under the custodial care of the "irresponsible animal owner." Unless exigent circumstances exist, the City must provide notice and opportunity for a hearing, under the procedures of 1.13 of this Code, prior to the confiscation and disposal by the City of any animals from the "irresponsible animal owner." No animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six (36) months from the date of the third court order. No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address. Any designation as an irresponsible animal owner shall expire after thirty-six (36) months provided the person so designated shall avoid any further violations of this Chapter during that time. Any further violations of this Chapter may result in immediate confiscation and disposal of any animals, at the discretion of the Enforcement Officer, or as otherwise provided by law.

**7.5 Procedure When Person Bitten By Animal.** This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 351.

- A.** Whenever an animal bites any person, or another animal causing injury, it shall be the duty of the Enforcement Officer to have such animal immediately removed from the owner's premises and either taken to the animal shelter or a veterinary hospital for quarantine, or destroyed for examination if the animal appears to be diseased. If not destroyed, such animal must be placed under quarantine for a period of ten (10) days. It is the duty of the owner or custodian of the animal that has bitten any person to deliver or surrender the possession of such animal to the City for quarantine when so ordered by the Enforcement Officer, or his or her designee. Any confinement of an animal under quarantine shall be at the expense of the owner of such animal.
- B.** If any animal that has bitten any person, or another animal causing injury, is suspected of having rabies, the Enforcement Officer may destroy the animal and have the carcass examined in lieu of quarantine. A wild or stray animal that has bitten any person may be destroyed immediately.
- C.** It shall be the duty of the City Animal Control to cause at least one examination at the end of the quarantine period and such other examinations as may be deemed necessary to insure that the animal is alive and well and not apparently infected with rabies. If deemed necessary, animal control may order such examinations done by a licensed veterinarian, and the owner of the animal shall pay all costs of such examinations.
- D.** The owner of any animal quarantined may redeem such animal after any quarantine period upon the payment in full of all costs of confinement, including reasonable costs of food and care of such animal, and medical examination before the animal is released. If the animal is not claimed after the ten (10) day quarantine period, whether the owner is known or unknown, the animal may be disposed of pursuant to this Chapter.

**7.6 Keeping of Dangerous Animals.** No person shall keep or permit to be kept any dangerous animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee. The Enforcement Officer may immediately seize such dangerous/vicious animal which shall be held for ten (10) days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal, the

Enforcement Officer shall have cause for the euthanasia of the animal. The owner must permanently remove the dangerous animal from the City as a condition of return of the animal. The following exceptions shall apply:

- A. Dangerous animals kept at state licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment purposes.
- B. Dangerous animals kept by federal, state, City and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.
- C. Dangerous animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.
- D. Dangerous animals kept in publicly owned zoos.
- E. Dangerous animals kept for fur pelting businesses, subject to compliance with the Zoning Ordinance.
- F. Dangerous animals kept by individuals meeting USDA permit requirements.
- G. Dangerous animals commercially exhibited for three (3) days or less in a one year period.
- H. Animals being commercially transported through the City.
- I. Dogs used in security or police work shall not be classified as dangerous/vicious if a bite or bites occur while the dog is actually performing in such a capacity.

**7.7 Animals Suspected of Rabies Infection.** It shall be the duty of the Enforcement Officer 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 at the expense of the owner.

**7.8 Seizure and Impound.** Any animal found in violation of the provisions of this Chapter may be seized and impounded. The following shall apply:

- A. Notice of the seizure and impound shall be given, if known, to the owner or custodian of the impounded animal. In the case of a dangerous dog, a vicious dog, an animal attack, or an animal at-large, the Enforcement Officer may seize the animal and provide notice to the owner or custodian, if known, as soon as reasonably possible. In other cases, the Enforcement Officer must provide the owner or custodian reasonable advance notice that the animal will be seized and impounded if the violations are not corrected.
- B. A person claiming an impounded animal shall pay impoundment fees and boarding fees as established by the animal shelter.
- C. A person claiming an impounded animal shall provide proof of current rabies vaccination and City license if applicable.
- D. A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Enforcement Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized. The owner or custodian shall pay any fees associated with the euthanasia.

- F. Animals not reclaimed within the time limitations provided by the Chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
- G. The refusal to reclaim any impounded animal shall not relieve the owner or custodian of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, euthanization fees or any other costs incurred in the care of the animal.
- H. If the owner does not redeem the dog within seven days of the date of notice, or if the owner cannot be located within seven days, the dog may be humanely destroyed or otherwise disposed of in accordance with law, at the discretion of the City Manager, or his or her designee.

**7.9 Pet Retailers.** It shall be unlawful for any person who owns, conducts, manages or operates any commercial animal establishment for which a license is required by the State of Iowa, to fail to comply with each of the following conditions:

- A. Every dog and cat offered for sale shall have been vaccinated against distemper. A certificate providing the name of the veterinarian and the date and treatment must be provided to the purchaser at the time of sale;
- B. No animal shall be transported by a pet shop or dealer, whether by private or public means, unless housed in a container appropriate for the size for the animal, and designed for that purpose including provisions for adequate ventilation, food and water;
- C. Each animal shall at suitable intervals and at least once every twenty-four (24) hours, receive a quantity of wholesome foodstuff suitable for the specie's physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.
- D. Each animal shall have available at all times an adequate supply of clean, fresh, potable water;
- E. Reasonable precautions shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in a manner made to suffer by any person or means;
- F. Sick animals shall be sufficiently isolated so as not to endanger the health of other animals;
- G. Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned, shall be kept in a sanitary condition and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animal, with sufficient light to allow observation of animals and sanitation;
- H. Any animal shall be taken to a veterinarian for treatment if the Enforcement Officer orders the owner or custodian to do so as necessary to maintain the health of the animal;
- I. All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. At a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position;

- J. No animals bearing evidence of malnutrition, ill health, infectious disease, unhealed injury or having been kept in an unsanitary condition shall be displayed or sold to the public.
- K. Records pertaining to the sale, purchase, transfer and medical treatment, including vaccinations, for all animals shall be open and available for inspection by a City Enforcement Officer during reasonable hours. All such records shall be maintained on the premises for a minimum period of twelve (12) months after the date of sale or transfer of any animal. Records shall include the source of the animal sold/transferred, the date of sale/transfer, identification and sex of the animal sold/transferred, and the name and address of the purchaser.
- L. No pet shop shall sell a dangerous animal or dangerous animal, per se, as defined in this Chapter.

**7.10 Vicious Dog Declaration.** The following process shall be used in declaring a vicious dog:

- A. Any Enforcement Officer, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may declare such dog a vicious dog.
- B. The owner(s) or person in possession of the dog must notify the Manager within three (3) business days of their desire for a hearing on the declaration of a vicious dog.
- C. If the owner contests said designation, a hearing on the matter shall be conducted by the Manager or his or her designee according to the process set forth in Chapter 1.8.
- D. The person, firm, or corporation owning, keeping, sheltering, or harboring the dog in question shall be given not less than three (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 or have the animal humanely destroyed. 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.
- E. If the Manager, or his or her designee, affirms the vicious dog declaration, the City Manager, or his or her designee, shall order in writing that the individual or entity owning, sheltering, harboring, or keeping such vicious dog remove the animal from the City or have the animal humanely destroyed.
- F. 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.