

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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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 restrained within a motor vehicle, housed in a veterinary hospital or kennel, or on a leash controlled by a competent person.
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. "Disturbing the peace" means, in reference to dogs, the barking or fighting by dogs creating a noise disturbance between the hours of 9:00 p.m. and 6:00 a.m. on any day.
6. "Dogs" means both male and female animals of the canine species, whether altered or not.
7. "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.
8. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.
9. "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)

10. "Owner" means any person owning, keeping, sheltering or harboring an animal.

11. "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.

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 which 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 which 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. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.06 ANNOYING OR HARMING WILD ANIMALS. The injuring, annoying, worrying or killing of any squirrel, rabbit or other animal of a wild nature, that is now in or may hereafter be placed in any public park or other public ground of the City or that may be anywhere within the limits of the City, by throwing stones or any missile or by discharging firearms, air guns or weapons, or in any manner whatsoever, is prohibited. Any person doing or causing these acts to be done is guilty of a misdemeanor.

55.07 PIGEONS. The breeding within the limits of the City of any pigeons, without providing a suitable enclosure in which to keep them, and the permitting or allowing of pigeons to fly about and congregate upon the roofs or about any public or private buildings, is unlawful. The pigeons, when at large and off the premises of the owner or breeder of the same, shall be destroyed by the Police Chief or some person appointed by the Police Chief or the City Manager for that purpose in such a way as is deemed most practicable. Any such owner or breeder violating the provisions of this section is guilty of a misdemeanor.

55.08 AT LARGE PROHIBITED - PENALTY. It is unlawful for any owner to allow a dog to run at large within the corporate limits of the City. Any person violating this section, with reference to a certain dog, shall be fined in the following minimum amounts:

1. For the first violation occurring in any 12-month period, \$50.00 plus applicable surcharges.
2. For the second violation occurring in any 12-month period, \$100.00 plus applicable surcharges.
3. For the third violation occurring in any 12-month period, \$200.00 plus applicable surcharges. Upon conviction of a third offense within any 12-month period, the dog shall be

impounded and shall be subject to removal from the City or shall be destroyed. Procedures for carrying on destruction or removal from the City shall apply as set forth in Section 56.05 of this Code of Ordinances.

55.09 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.

55.10 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 persons, bicycles, automobiles or other vehicles.

55.11 DISTURBING THE PEACE. In the event a dog as defined herein is disturbing the peace by barking or making noise of any kind, the owner shall be issued a citation with disturbing the peace. If no owner can be located, the dog may be impounded as described herein.

55.12 SANITATION. The owner of any dog is responsible for the removal and disposal of feces of such dog on public property or private property not owned by the owner of the dog. Failure to remove such feces within five minutes of deposit shall constitute a violation of this chapter.

55.13 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 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)

55.14 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board 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 ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.15 IMPOUNDING; DISPOSITION OF ANIMALS.

1. Any unlicensed or unvaccinated dog found at large, or otherwise in violation of any of the owner's responsibilities or conditions relative to dogs in this chapter, may be seized and impounded. In addition to the impounding of the dog, the owner may be served with a summons to appear before the proper court to answer charges made therein.

2. Impounded, unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, the impounding fee and boarding costs and the costs of vaccination if vaccination is required under the terms of this chapter. If such dogs are not claimed within seven (7) days, they may be disposed of in a humane manner as directed by the Council, or the dogs may be adopted out, provided the adopting owner shall pay such fees as would be required of the owner of an unlicensed dog.

3. If the impounded dog is licensed, owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees of twenty-five dollars (\$25.00) for the first impoundment of a dog and fifty dollars (\$50.00) for each subsequent impoundment, plus costs of food and care in a reasonable amount as fixed by the person impounding the dog, the dog will be

returned. If such licensed dogs are not recovered by their owners within seven (7) days after such notice, the dogs may be disposed of in a humane manner as directed by the Council, or adopted out, provided that any adopting owner shall pay such fees as would be paid by the person adopting an impounded, unlicensed dog.

4. Impounding may be done by the City if the City operates an impoundment facility or at a private pound or Humane Society facility pursuant to an agreement between such private pound or facility and the City.

55.16 DOG LICENSE REQUIRED. Every dog over the age of one (1) year is required to have a license which shall be obtained by the owner of the dog from the Police Department as herein required.

1. The owner of such dog shall present a certificate evidencing vaccination for rabies for the dog to be licensed. Such certificate shall indicate the said dog had been vaccinated for a period sufficient to cover the period for which the dog is to be licensed and shall further show the length of the immunity period and the veterinarian who had performed the vaccination.

2. All dog licenses issued by the Police Department shall expire on the first day of July in even-numbered years.

3. Upon payment of the fee and presentation of the rabies vaccination certificate and furnishing of information as to the name and address of the owner and a description of the dog, the Police Department shall issue a paper license certificate to the owner showing the number of the license, the date of expiration, the name and address of the owner and the name of the dog. The Police Department shall also issue a metal tag to be affixed to the collar to be worn by the dog. The dog so licensed shall at all times wear a collar and the metal tag issued by the Police Department. Any dog without such license tag attached to its collar or harness shall be deemed an unlicensed dog and treated as such for the purposes of this chapter.

4. License fee for dogs over the age of one year at the time of licensing shall be set forth in the fee schedule established by the Iowa Falls City Council for dog licenses.

(Ord. 954 – Oct. 09 Supp.)

5. Failure of an owner to have a current license for his or her dog shall be cause for a fine of not less than \$25.00 or more than \$500.00 for each separate offense.

55.17 KENNEL DOGS. Dogs kept in State or Federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter relative to licensing of dogs.

55.18 UNHEALTHY OR UNSANITARY CONDITIONS. No person shall harbor or maintain such animals in such a condition as shall create an unhealthy or unsanitary condition for humans occupying the premises or any neighboring premises or create any other such conditions constituting a nuisance. If such conditions exist, the City Manager or designee is authorized to make an investigation and after notice and hearing to the person so harboring or maintaining such dogs or cats, the City Manager or designee may order the owner of the premises to remedy or correct the unhealthful or unsanitary conditions. In the event of failure of the person to correct such conditions, the City Manager or designee may institute such action to correct the conditions or to order the animals removed from the premises.

55.19 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.
 - 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.