

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

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**55.01 DEFINITIONS.** The following terms are defined for use in the chapters of this Code of Ordinances pertaining to Animal Protection and Control:

1. "Animal" means any nonhuman vertebrate.
2. "At Large" means an animal off the premises of the owner. An animal 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.
3. "Bite" means any puncture, laceration, abrasion, scratch or any other break in the skin of a human being or animal, caused by an animal.
4. "Dangerous wild animal" means any animal as set forth in Iowa Code Chapter 717F.
5. "Domestic animal" means any animal owned by a person as a pet, for profit, or for any other purpose, and said animal is allowed to reside within the City limits as defined by this Chapter.

6. "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.
7. "Owner" means any person owning, keeping, sheltering or harboring an animal.

**55.02 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 with a sufficient quantity of food and water, or shall fail to provide the animal with adequate shelter appropriate for the type and breed and the environmental conditions, 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.

**55.03 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.

**55.04 INJURIES TO ANIMALS.** No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

**55.05 LIVESTOCK.** No person shall keep, own or shelter any livestock within the City limits, subject to the following exception(s):

1. Said livestock is kept in compliance with the City's zoning ordinances and regulations.

**55.06 DANGEROUS WILD ANIMALS.** No person shall keep, own or shelter any dangerous wild animals within the City limits. In addition, this ordinance adopts Chapter 717F of the Code of the State of Iowa by reference and incorporated the same herein.

**55.07 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.

**55.08 PET AWARDS PROHIBITED.** This ordinance adopts Chapter 717E of the Code of the State of Iowa by reference and incorporated the same herein.

**55.09 AT LARGE PROHIBITED.** It shall be unlawful for any owner to allow an animal to run at large within the corporate limits of the City

**55.10 AT LARGE: IMPOUNDMENT.** Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the law enforcement officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

**55.11 ANIMAL NUISANCE.** The following acts and circumstances are hereby declared to be nuisances and therefore prohibited:

1. An owner that keeps an animal on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to or menace to the health of the animal, or an annoyance to humans.
2. An owner that allows or permits any dog, cat or animal to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, baying, barking, whining, growling, meowing or making a sound of any kind or nature.
3. An owner that allows an animal to cause any damage or defilement to public or private property.
4. An owner that allows an animal to threaten, harass, attack, bite or claw any person or animal on public or private property who has a legitimate reason to be thereon.

**55.12 FEEDING ANIMALS.** It shall be illegal for any person to feed and water any stray or feral animal. Owners shall only put out food and water sufficient to meet the needs of the animals under their care. For purposes of this ordinance, “stray or feral animal” is deemed to be animal that is unowned, unclaimed, or a cat or dog that does not possess a collar, harness or microchip pursuant to provision 55.23 of the ordinance. This provision does not apply to the feeding of wild birds or squirrels.

**55.13 DAMAGE OR INTERFERENCE.** It shall be 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.

**55.14 VICIOUS ANIMALS.** It shall be unlawful for any person to harbor or keep a vicious animal within the City limits. An animal is deemed to be vicious when:

1. it shall have attacked, bitten or clawed a person or persons causing puncture injuries breaking the skin; or
2. it shall have attacked, bitten or clawed a person or persons, not causing puncture injuries breaking the skin, on two (2) separate occasions within a twenty-four (24) month period following the first occurrence; or
3. it shall have attacked, bitten or clawed a person or persons on the command of the owner or person in control of the animal, unless such attack was for the legitimate protection of persons or property, or the animal was under the control and use of a law enforcement officer; or
4. it shall have attacked, bitten or clawed another domestic animal, livestock, or fowl, and said animal died as a result of the attack; or
5. it shall have attacked, bitten or clawed another domestic animal, livestock, or fowl, other than that of the owner of the attacking animal, on three (3) separate occasions within a twenty-four (24) month period following the first occurrence; or

6. it shall have previously been deemed or adjudicated to be a vicious animal in any other jurisdiction.

**55.15 OWNER'S DUTY.** It shall be the duty of the owner of any dog, cat or other animal which has attacked, bitten or clawed a person or any person having knowledge of such incident to report this act to a local health or law enforcement official. It shall be 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.

**55.16 CONFINEMENT FOR ANIMALS DEEMED NOT TO BE VICIOUS OR DANGEROUS WILD ANIMALS.** When a local board of health or law enforcement official receives information that any person or animal 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 the Police Chief or designee appointed directs. If the owner fails to confine such animal in the manner directed, the animal shall be seized and impounded by the Police Chief or designee appointed. Any animal so seized shall be impounded for a period not to exceed fourteen (14) days. After the designated time period for impoundment has expired the Police Chief or designee appointed may deem the animal recoverable in accordance with provision 55.18, humanely destroy or otherwise dispose of the animal in accordance with law.

**55.17 SEIZURE, INPOUNDMENT AND DISPOSITION OF VICIOUS OR DANGEROUS WILD ANIMALS.** When a local board of health or law enforcement official receives information that any person is keeping, sheltering or harboring a vicious animal or dangerous wild animal, the Police Chief or designee appointed shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring any such animal in the City, the Police Chief or designee appointed shall immediately seize any such animal. Any animal so seized shall be impounded for a period of fourteen (14) days. If at the end of the impoundment period, the individual or entity keeping, sheltering or harboring such animal has not petitioned the District Court of Wright County seeking return of such animal, the Police Chief or designee appointed shall cause the animal to be humanely destroyed or otherwise disposed of in accordance with law. At the discretion of the Police Chief or designee appointed, the City shall be under no duty to attempt to seize, capture or confine a vicious animal or dangerous wild animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction if such animal's at large status is one deemed to have created a hazard to persons or property and where seizure, capture or confinement would be a hazard to those tasked with seizing said animal.

**55.18 NOTICE OF INPOUNDMENT.** When an animal has been seized and impounded, written notice shall be given within two (2) days to the owner, if known and located, outlining the complaint as presented, the relevant provisions of this Chapter, and any other relevant information pertaining to the incident. If the owner is unknown or cannot be located within fourteen (14) days, the animal shall be placed for adoption in a suitable home, humanely destroyed or otherwise disposed of in accordance with the relevant provisions of this Chapter.

**55.19 RECLAIMING IMPOUNDED ANIMALS.** Impounded animals that the Police Chief, designee appointed, or the Courts deem to be recoverable may be recovered by the owner upon payment of impounding costs, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. The refusal to recover any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal.

**55.20 IMPOUNDING FEES.** Impounding fees shall be as established by resolution of the Council.

**55.21 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.

**55.22 ANIMAL WASTE.** No owner of any dog, cat or other animal, or person having control or responsibility therefore, shall:

1. Allow or permit such animal to leave waste on private property without the consent of the owner of such property.
2. Allow or permit such animal to leave waste on public property, including public right-of-way between the curb lines of public streets and alleys.

**55.23 RABIES VACCINATION.** Every owner of a dog or cat shall obtain a rabies vaccination for each animal between four (4) and six (6) months of age and at such intervals thereafter as stipulated by the manufacturers of the vaccines used. This section applies to all dogs and cats kept within the city, brought into the city for shows, exhibitions or performance, or in transit. This section does not apply to dogs and cats in transit that are continuously held in secure cages and dogs and cats assigned to research, production of biologics, and licensed animal care shelters or similar facilities.

**55.24 RABIES TAGS.** All dogs and cats over the age of six months shall wear a collar or harness to which a valid rabies tag is attached. In lieu of the collar and tag, a dog or cat may be micro chipped with a chip that contains the appropriate vaccination and ownership information. This section shall not apply to dogs being exhibited or trained at a kennel club event or while being transported to and from such event if the dog is properly controlled and the owner or trainer has in their possession documentation of valid vaccination and registration.

**55.25 CITATION FOR VIOLATIONS.** The Chief of Police or his/her designee is authorized to issue and deliver citations to persons accused of violating any of the provisions of this ordinance. Scheduled fines for any violation of this ordinance shall be in such amount established by resolution by the City Council. However, nothing in this ordinance shall be construed so as to limit the City's authority to proceed in accordance with the nuisance or municipal infraction provisions of the City Code or other law concerning animal control.

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