

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

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**55.01 DEFINITIONS.** The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
2. "At large" means any animal off the premises of its owner and on other premises against the wishes of the person in possession of such other premises or upon the public streets, alleys, public grounds, school grounds or parks within the City. An animal shall not be deemed at large if:
  - A. The animal is on the owner's property or a neighbor's property with that neighbor's consent; or
  - B. The animal is confined in a cage or motor vehicle; or
  - C. The dog is restrained by a leash of sufficient strength to control its action; or  
*(Ord. 387 – May 04 Supp.)*
  - D. A dog is actively engaged in training in dog obedience, for hunting or for other service under continual control of his/her owner or trainer provided that the owner or trainer is conducting the training in an open public area, is not endangering other users or animals in the area, has the dog within 30 yards and under continual voice control and has in his/her possession a dog leash appropriate to control the dog.
  - E. The animal is a draft animal engaged in drawing vehicles or conveyances.

3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.

*(Code of Iowa, Sec. 717.1)*

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

5. "Dangerous Animal" means:

A. Any animal which is not naturally tamed or gentle; and which is of a wild nature or disposition; and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

B. Any animal declared to be dangerous by the County Board of Health, City Council, or any other governing body.

C. The following animals, which shall be deemed to be dangerous per se: Lions, tigers, jaguars, leopards, cougars, lynx and bobcats; wolves, coyotes and foxes; badgers, wolverines, weasels, skunks and mink, raccoons; bears; monkeys and chimpanzees; bats; alligators and crocodiles; scorpions; snakes that are venomous or constrictors; gila monsters; pit bull dogs.

6. "Vicious Animal" means any animal, except a dangerous animal per se as listed above, that has chased or attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal that has chased, killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, City Council, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner.

**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 CRUELTY TO ANIMALS.** It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either intentionally or negligently.

*(Code of Iowa, Sec. 717.2)*

**55.05 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

**55.06 ANIMAL CONTESTS.** It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

*(Code of Iowa, Sec. 717.3)*

**55.07 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)*

**55.08 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.

**55.09 LICENSE.** A license must be obtained from City Hall for any dog or cat over the age of four (4) months. Owners of a dog or cat requiring a license shall register the animal within 30 days of the animal meeting the residency and age requirements.

1. Fee. The fee for a City license shall become due and payable between April 1 and June 30 of every other year starting in 2004. The bi-annual fee shall be \$ 7.50 for each dog or cat. The fee will be the same no matter when purchased in the two year cycle.
2. Delinquent Fee. License becomes delinquent July 1, with an additional delinquent fee of five dollars (\$5.00) charged for licenses purchased after that date.
3. License Tag. The license, which shall be stamped with the license number, shall be fastened to a collar or harness, which shall be worn by the dog or cat for which the license was issued.
4. Unlicensed Dogs or Cats. Any dog or cat found running at large without the license tag attached to its collar shall be deemed unlicensed.
5. Visitors and Seasonal Residents. In lieu of obtaining a City of Lake View pet license, owners of a dog or cat requiring a license may register the pet license number duly issued by another city.

*(Ord. 387 – May 04 Supp.)*

**55.10 IMMUNIZATION.** All dogs and cats six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog or cat license. It shall be a violation of this chapter for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog or cat when not confined.

*(Ord. 387 – May 04 Supp.)*

*(Code of Iowa, Sec. 351.33)*

**55.11 KENNELS.** 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.

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

**55.13 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.

**55.14 NUMBER OF ANIMALS.** No person shall harbor or maintain such number of dogs or cats, or combination thereof, to create unhealthful or unsanitary conditions for the humans or animals occupying the premises, or create any other conditions constituting a nuisance. If such conditions exist, the Chief of Police is authorized to make an investigation, and after notice to the person or persons occupying or maintaining the residence or premises, or the persons harboring or maintaining the animals, and hearing, the Chief of Police may order such number of the animals be moved from the residence or premises to remedy or correct the unhealthful, unsanitary or other conditions constituting a nuisance. Upon the failure of the person or persons to follow the orders, appropriate action may be pursued in the courts to either enforce the order and/or correct the conditions and/or abate the nuisance.

**55.15 SANITATION.** It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person. The owner or person having custody of the animal 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.

**55.16 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.

**55.17 KEEPING OF VICIOUS OR DANGEROUS ANIMALS PROHIBITED.** It shall be unlawful for any person to harbor, keep, or shelter any dangerous or vicious animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City exempt as provided in this section:

1. Dangerous Animal Exceptions. The prohibition captured in this section shall not apply to the keeping of dangerous animals in the following circumstances:

- A. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibits, or shows.

B. The keeping of dangerous animals in a bona fide, licensed veterinary hospital or animal shelter for treatment or boarding.

C. Any dangerous animals under the jurisdiction of and in the possession of the Department of Natural Resources, pursuant to Chapters 109 and 109A of the Code of Iowa.

2. Vicious Animal Exception. The prohibition contained in this section shall not apply to the keeping of vicious animals, which are under the control of a law enforcement or military agency.

3. Disposition of Dangerous or Vicious Animals. It shall be unlawful for any person to harbor or keep a dangerous or vicious animal within the City limits. In the event that a dangerous or vicious animal is found at large and unattended, it shall be lawful and the duty of all peace officers within their jurisdiction to kill any animal that has been determined to be dangerous or vicious through violation of this chapter. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. The City will take immediate action in the proper disposal of the remains of the destroyed animal. Any costs incurred by the City in the destruction and disposal of the animal will be the responsibility of the animal owner.

**55.18 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)*

**55.19 CONFINEMENT.** When a Peace Officer, Employee, City Council Member, or Mayor of the City of Lake View receives information that an animal has bitten any person or that a dog or animal is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City of Lake View, and after two weeks the City may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment

**55.20 RIGHT TO KILL UNTAGGED DOGS.** It shall be lawful for a peace officer to kill any dog for which a rabies vaccination tag is required, when such dog is not wearing a collar with vaccination tag attached as herein provided.

*(Code of Iowa, Sec. 351.26)*

**55.21 RIGHT TO KILL TAGGED DOGS.** It shall be lawful for a peace officer to kill a dog, licensed and wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

*(Code of Iowa, Sec. 351.27)*

**55.22 DISPOSAL OF OTHER ANIMALS.** If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

**55.23 IMPOUNDMENT.** Dogs found at large shall be seized and impounded, and/or the owner may be served a summons to appear before a proper court to answer charges made. Upon payment of actual expenses incurred by the City of Lake View for the impoundment of the dog plus Cost Recovery Fee of \$18.00 for City time spent on the impoundment of the dog. Upon payment of these fees, the owner may claim any impounded dog. If the animal is not claimed, and ownership of the dog can be established, these expenses and fees may be recovered from the owner of the dog.

**55.24 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) 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 (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

**55.25 DOG OWNERSHIP.** If after two (2) written citations by the police department for any violation of this chapter on animal control and protection, the dog owner or other persons residing at the same residence is no longer allowed to own or possess a dog for a minimum of two (2) years.

**55.26 VIOLATION AND PENALTY.** Any person who violates a section as contained in this chapter will be subject to a civil penalty of \$50.00 per occurrence.

*(Ch. 55 – Ord. 380 – Mar. 04 Supp.)*

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