

## 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.

*(Code of Iowa, Sec. 717E.1)*

2. "Animal" means a nonhuman vertebrate.

*(Code of Iowa, Sec. 717B.1)*

3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

*(Code of Iowa, Sec. 162.2)*

4. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

5. "Business" means any enterprise relating to any of the following:

*(Code of Iowa, Sec. 717E.1)*

- 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.

6. "Commercial establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

*(Code of Iowa, Sec. 717B.1)*

7. "Disturbing the peace" means, in reference to dogs, the barking or fighting by dogs creating a noise disturbance.

8. "Dogs" means both male and female animals of the canine species, whether altered or not.

9. “Fair” means any of the following:  
*(Code of Iowa, Sec. 717E.1)*
- 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.
10. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.  
*(Code of Iowa, Sec. 717E.1)*
11. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.  
*(Code of Iowa, Sec. 717.B1)*
12. “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)*
13. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
14. “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.  
*(Code of Iowa, Sec. 717E.1)*
15. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.  
*(Code of Iowa, Sec. 162.2)*
16. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.  
*(Code of Iowa, Sec. 162.2)*
17. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.  
*(Code of Iowa, Sec. 717.B1)*

*(Section 55.01 – Ord. 1145 – Aug. 21 Supp.)*

**55.02 ANIMAL NEGLECT.**

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

*(Code of Iowa, Sec. 717B.3)*

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

*(Section 55.02 – Ord. 1145 – Aug. 21 Supp.)*

**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.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

*(Code of Iowa, Sec. 717B.8)*

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

*(Section 55.04 – Ord. 1145 – Aug. 21 Supp.)*

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock within the City except in compliance with the Code of Ordinances.

*(Ord. 993 – Nov. 10 Supp.)*

**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.

**55.20 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
  - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
  - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

- B. A peace officer.
- C. A veterinarian.
- D. An animal shelter or pound.

*(Section 55.20 – Ord. 1145 – Aug. 21 Supp.)*

**55.21 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog’s behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

*(Section 55.21 – Ord. 1145 – Aug. 21 Supp.)*

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