CITY OF LOWDEN
Ordinance #750

TO Sun. 4-5-01.

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" refers to any animal off the premises of the owner unless:

A. The animal is on a leash, cord, chain or similar restraint not more than 20 feet in length and is under the control of the person holding said leash, cord, chain or similar restraint.

B. The animal is within a motor vehicle.

C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter.

3. "Dangerous animal" means all animals whether actually vicious or not, defined as follows:

A. Lions, tigers, jaguars, leopards, cougars, lynx, ocelots and bobcats.

B. Black bears, polar bears and grizzly bears.

C. Crocodiles and alligators.

D. All venomous and constricting snakes.

4. "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)

5. "Owner" means any person owning, keeping, sheltering or harboring an animal, or any person who knowingly permits an animal to remain on or about any premises owned or occupied by that person.

6. "Vicious animal" means any animal which inflicts a bite or bites upon and/or attacks human beings or domesticated animals without cause or justification, or one with a propensity to bite, and/or attacks human beings or domesticated animals and where such propensity is known or ought reasonably to be known to the owner.

7. "Walker" means any person walking an animal on a leash and in control over or attempting control over said animal when off the premises of its 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 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.

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

55.07 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.

55.08 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.

55.09 DANGEROUS AND VICIOUS ANIMALS PROHIBITED. No person shall own, keep or harbor a dangerous or vicious animal within the City. The following are hereby excluded from this prohibition:

1. Public zoos.

2. Exhibits to the public by traveling circus, carnival, exhibits or shows.

3. Dangerous animals in a licensed veterinary hospital for treatment.

4. Dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

5. Animals possessed under authority of a State-issued game breeder's license or scientific collector's license.

6. Dangerous animals maintained by the Federal, State or County government or its designee, pursuant to the enforcement of this chapter.

55.10 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal.

1. 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. Any dog or cat acquired by a resident of the City shall be vaccinated for rabies by a licensed veterinarian within 30 days after such acquisition or when said animal reaches the age of six months, whichever occurs later. Every dog or cat which is over six months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when the dog or cat is outside the owner's dwelling.

2. Cats and dogs shall be licensed by their owners through the procedure by which the rabies vaccination tag and certificate shall be obtained. The rabies vaccination tag and certificate shall be the license required by this chapter.

3. The owner of any dog or cat within the City which is subject to vaccination in accordance with the provisions of this chapter shall have such dog or cat vaccinated against rabies by a licensed veterinarian

annually or in such other way as to maintain said dog's or cat's immunity against rabies.

4. Dogs and cats kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 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)

55.12 CONFINEMENT. When a local board of health receives information that any person 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 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 two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

55.13 IMPOUNDMENT. Animals found at large in violation of this chapter may be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

1. Impounding costs are twenty-five dollars ($25.00) for the first impoundment, fifty dollars ($50.00) for the second impoundment, and one hundred dollars ($100.00) for the third and subsequent impoundments plus payment of three dollars ($3.00) per day for feeding of said animal.

2. The City may contract with another entity to provide impoundment services and if such a contract is entered into, all charges and fees assessed by said entity for said service shall be paid by the owner of such impounded animal.

3. All fees and charges as well as policies regarding the length of time an impounded animal will be kept before being humanely disposed of, established by said contracted entity, will be approved by resolution of the Council and will be on file at City Hall.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. 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 does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

55.15 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined in a clean and sanitary condition, devoid of vermin and free of odors arising from feces and urine.

2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker 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.

3. 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.

4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

55.16 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass within six feet of, over or across any public sidewalk, street or alley or threatens users of public areas or private property other than the owner's.

55.17 NUMBER OF ANIMALS LIMITED. No person shall harbor or maintain such number of animals to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance.

55.18 DOMESTIC ANIMALS. No horse, cow, calf, sheep, swine, goat, chicken, goose or duck shall be kept in any dwelling or part thereof nor shall such animal be kept on the same lot or premises with a dwelling or within fifty feet of a dwelling.

55.19 ANIMALS IN PARKS. No animal shall be allowed in any area of a City park unless it is attached to a leash not more than 20 feet in length and of sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal.

Adopted: April 2, 2001 by Lowden City Council