

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "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.
3. "Dangerous animal" means undomesticated animals that have a natural propensity to bite, scratch or otherwise cause injury to people including: badgers, wolverines, wolves, weasels, skunks, minks, raccoons, bats, scorpions, mountain lions, lions, tigers, bears, crocodiles, alligators, venomous, poisonous and/or constricting snakes, not excluding any other undomesticated animal that could cause injury, lions, tigers, jaguars, leopards, cougars, lynx, ocelots and bobcats.
4. "Owner/keeper" means the person who has the care, custody or control of the animal at the time of the attack, whether or not the person is the actual owner of the animal.
5. "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)
6. "Vicious animal" means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting himself/herself in a place where he/she may lawfully be. An animal is deemed to be vicious, or have vicious propensities, when it meets any one or more of the following:
 - A. Attacks, bites or claws any person without provocation while at large or which could not be controlled or restrained at the

time of the attack by the owner/keeper to prevent the occurrence whether on or off the owner/keeper's property.

B. Bites more than one person during the animal's lifetime, or bites one person on two (2) or more occasions during the animal's lifetime.

C. Attacks any domesticated animal or fowl without provocation, causing injury or death, while off the premises of the owner/guardian.

55.02 DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous 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.

55.03 VICIOUS ANIMALS PROHIBITION.

1. No person shall keep, shelter or harbor an animal that has been found to be vicious for any reason within the City.

2. No person shall keep, shelter or harbor any animal in the City that has previously been found to be vicious in violation of the ordinances, codes or statutes of any other political subdivision.

55.04 EXCEPTION TO THE VICIOUS ANIMALS PROHIBITION.

1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded with a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog," or words of similar import. The owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.

3. No animal shall be deemed vicious as a result of having attacked or injured any person who, at the time of such attack or injury, was committing a willful trespass or was committing or attempting to commit other criminal conduct while on the premises occupied by the owner or keeper of such animal, or was at the time of the injury or attack, teasing, tormenting, abusing or physically assaulting the animal.

4. No animal shall be deemed vicious as a result of having defended or protected its owner/keeper from an unjustified attack or physical assault.
5. No animal shall be deemed vicious for causing injury or death to another animal if it was defending itself from an unprovoked attack by such other animal.

55.05 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, at the discretion of a peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Mayor, or his designee 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 a dangerous animal or vicious animal in the City, the Mayor or his designee shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous animal or vicious animal.
3. The notice to remove an animal from the City or have it destroyed shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required when such animal has caused serious physical harm or death to any person, in which case the Mayor or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
4. The order to remove a dangerous animal or vicious animal issued by the Mayor or his designee may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous animal or vicious animal. Failure to file

such written notice of appeal shall constitute a waiver of the right to appeal.

5. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within ten (10) days of the receipt of the notice of appeal. The person filing the notice of appeal must be present at the hearing. Failure to attend such appeal hearing shall constitute a waiver of the right to appeal. The hearing may be continued for good cause. At the conclusion of such hearing, the City Council may affirm or reverse the order of the Mayor or his designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing or any continued session thereof.

6. If the City Council affirms the action of the Mayor or his designee, the City Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person who filed the appeal. Such notice shall be given in writing and shall be served personally or by certified mail.

7. If the original order of the Mayor or his designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the Mayor or his designee is authorized to seize, impound or destroy such dangerous animal or vicious animal. Failure to comply with an order of the Mayor or his designee issued pursuant to this chapter and not appealed, or an order of the City Council after appeal, constitutes a simple misdemeanor.

55.06 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)

55.07 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)

55.08 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)

55.09 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council.

55.10 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. The fact that a dog or cat is running at large without the knowledge or permission of the owner of a dog or cat is not a defense to any charge of a violation of this section.

55.11 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.

55.12 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.

55.13 UNHEALTHFUL OR UNSANITARY CONDITIONS.

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

5. Any person violating this section may be charged with a municipal infraction fine.

55.14 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies.

(Code of Iowa, Sec. 351.33)

55.15 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)

55.16 CONFINEMENT. If the City Clerk or Mayor receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the City Clerk or Mayor 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 City Clerk or Mayor, and after ten (10) days the Mayor, or his designee, may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

55.17 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

(Ch. 55 - Ord. 264-14 - Jun. 14 Supp.)

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CHAPTER 56

LICENSING AND VACCINATION OF ANIMALS

56.01 Annual License Required
56.02 Fees
56.03 Delinquency
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56.07 Change of Ownership; Transfer of License
56.08 Exceptions
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56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over six (6) months old shall procure a license from the City of Grand Mound City Hall on or before the first day of October of each year, or within thirty (30) days of the animal being brought into the City, or when the animal has reached six (6) months of age.
2. The owner of a dog or cat for which a license is required shall apply on forms provided by City Hall. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.
3. All licenses shall expire on October 1 of the year following the date of issuance.

56.02 FEES. The license fee for spayed and neutered animals is five dollars (\$5.00) per year. For animals that are not spayed or neutered, the annual license fee is fifteen dollars (\$15.00).

56.03 DELINQUENCY. All license fees shall become delinquent on the first day of April of the year in which they are due and a delinquent penalty of one dollar (\$1.00) per month shall be added to each unpaid license on and after said date.

56.04 CERTIFICATION OF VACCINATION. At the time of making application for a City license, the owner shall furnish to the City a veterinarian's certificate showing that the pet animal for which the license is sought has been vaccinated against rabies and distemper and that such vaccination will not expire within six (6) months from the date the license is issued. In order to take advantage of the lower rate for spayed and neutered animals, the owner shall, at

the time application is made for an animal license, present a certificate of neutering signed by a veterinarian containing a description of the animal, its call name and date of neutering, if known. Such certificate may be used in subsequent license applications.

56.05 LICENSE TAG.

1. Upon the original issuance of the license, the City shall deliver or mail to the owner a license tag stamped with the following:
 - A. Name of issuing City.
 - B. Serial number of the license which shall be recorded by the City.
2. Every pet animal shall wear the tag provided whenever such animal is off the property of its owner. Any method may be used to attach the tag to the animal, such as a collar or other suitable device.
3. It is unlawful for any person who is not the owner or the agent of such owner or an employee of the City or its agent acting in an official capacity to remove a license tag from an animal prior to the expiration of the license.
4. Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of a duplicate fee of three dollars (\$3.00) for spayed and neutered animals and eight dollars (\$8.00) for those animals that are not spayed or neutered.

56.06 LICENSE RECORDS. City Hall shall keep a book to be known as the record of licenses which shall show:

1. The date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the animal.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the animal is to be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

56.07 CHANGE OF OWNERSHIP; TRANSFER OF LICENSE. When the permanent ownership of an animal is transferred, the new owner shall, within thirty (30) calendar days from the date of change of ownership, make

application for a new license as provided in this section regardless of whether or not the animal was previously licensed.

56.08 EXCEPTIONS. The licensing provisions of this chapter shall not be applied to animals whose owners are nonresidents temporarily within the City, kennel dogs which are kept or raised in facilities licensed pursuant to the Code of Iowa, as amended, solely for the bona fide purpose of sale and which are kept under constant restraint, animals brought into the City for the purpose of participating in any animal show or animals properly trained to assist persons with disabilities, providing such animals are kept restrained on the owner's premises and under supervision or control at all times or under leash at all times.

56.09 VIOLATION. Notwithstanding any other section of this chapter, any dog or cat owner who allows the rabies vaccination to lapse at any time during the licensing year may be charged with a municipal infraction. Any person who removes a license tag from a dog or a cat prior to the expiration of the license may be charged with a municipal infraction.

56.10 LIABILITY. Nothing in this chapter is intended to and the required full compliance with this chapter shall not absolve the keeper (owner) of any animal that inflicts injury upon a person or damage to property from financial responsibility for the actions of that person's animal. Compliance with this chapter shall not be deemed as an admission of liability for purpose of civil litigation, however.

(Ch. 56 – Ord. 241-08 – Aug. 07 Supp.)

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