

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.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "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.
4. "Business" means any enterprise relating to any of the following:
 - 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.
5. "Fair" means any of the following:
 - 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.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.
7. "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)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. "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.

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 by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 RABIES VACCINATION. Every owner of a cat or dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a cat or dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.10 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)

55.11 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)

55.12 NUMBER OF ANIMALS RESTRICTED. Not more than four (4) dogs or cats or combinations thereof over the age of six (6) months shall be kept by any person on any premises in the City except in bona fide kennels or pet shops.

55.13 TRAPPING. No person shall, within the corporate boundaries of the City, set or use a steel, claw, or a box trap, or any other device or mechanism outside of any structure or building for the purpose of taking, killing, maiming, wounding, ensnaring, trapping, or capturing an animal, or which is, or could be, injurious to persons or animals unless such person has applied for and obtained from the Police Chief a permit to do so. The Police Chief shall make available a form for applying for such a permit and shall issue such permits only when, in the discretion of the Police Chief, the issuance of such permit will not interfere with or endanger the health, safety, or welfare of persons or property. The Chief shall place such conditions or restrictions on any permit as are necessary, in the exercise of such discretion, and to prevent the unreasonable risk or danger to persons or property. This section shall not be construed to prohibit trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of persons or property.

55.14 CATS DISTURBING THE PEACE. No owner shall permit a cat to cause annoyance or disturbance to any person or persons in any manner including frequent and habitual hissing, meowing or fighting; defecation on property other than that of the owner; and the defacing or scratching or marring of any personal property other than that of the owner of said animal.

55.15 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall 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.

55.16 DISPOSITION OF ANIMALS.

1. Notification to Owner. Following seizure of any properly licensed cat or dog with identification tags attached, the owner shall be notified of such seizure by telephone or by letter mailed to the owner's address as disclosed on the tags. Such notice, if by mail, shall advise the owner to immediately contact the City Clerk's office or the Police Department for information on how the cat or dog may be reclaimed.
2. Animal Held for 24 Hours. After seizure of a cat or dog, the animal will be kept at City facilities for a maximum of 24 hours. If seized on a Friday, the animal

will be kept no later than 2:00 p.m. If the owner has not taken all steps necessary to reclaim the cat or dog within such time, the animal will be transported to the designated impoundment facility. Provided, however, any cat or dog seized which is not wearing a current license issued by the City will be immediately transported to the designated impoundment facility and will not be held by the City for any length of time.

3. **Temporary Release From Impoundment.** The owner of an unlicensed cat or dog which has been impounded may obtain a temporary release of the cat or dog for the purpose of obtaining the necessary rabies vaccination, by payment of all impoundment fees incurred to the date of such temporary release, and by further depositing with the Clerk the sum of fifty dollars (\$50.00) to insure that the cat or dog will be licensed within ninety-six (96) hours from the date of its release. If the owner produces a valid vaccination certificate and obtains the license within ninety-six (96) hours of such temporary release, the deposit shall be refunded to the owner. If the license is not obtained within ninety-six (96) hours after such release, the deposit shall be forfeited and shall be turned over by the Clerk to the General Fund, in which event, the cat or dog shall be subject to re-impoundment and additional impoundment costs based on the schedule outlined in Section 55.17 (1) (A).

4. **Unclaimed Animals.** Any seized cat or dog or other animal not reclaimed within seven (7) days after its seizure, or after notice to the owner of the seizure if the owner is known, shall be destroyed or otherwise disposed of.

55.17 IMPOUNDING COSTS. In addition to any other requirements, the owner of a seized cat or dog shall be charged a fee, and may reclaim such cat or dog only upon payment of such fee, in the following amount:

1. If the cat or dog does not have a current license: \$40.00 for the seizure.
2. If the cat or dog has a current license:
 - A. \$25.00 if it is the first seizure during the calendar year;
 - B. \$50.00 if it is the second seizure during the calendar year;
 - C. \$75.00 if it is the third seizure during the calendar year; or
 - D. \$100.00 for each subsequent seizure during the calendar year.

In each case, an additional charge will be made for the cost of food and care while the cat or dog is in the possession of the City, as well as any other expenses incurred in transporting the cat or dog to the designated impoundment facility. A reasonable amount for such costs and expenses shall be determined annually by the Council. In no case will any cat or dog be released until all applicable fees, expenses and charges are paid in full. No seized cat or dog may be reclaimed from the designated impoundment facility unless and until the owner presents to the impoundment facility a receipt from the Clerk certifying full payment of all costs due to the City on account of such seizure and impoundment.

55.18 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.

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 PROHIBITION ON FEEDING OF WHITETAIL DEER.

1. Prohibition. No person shall engage in the artificial feeding of whitetail deer within the City of Polk City, except as set forth in Section 55.20 (2). "Artificial feeding" shall be defined as the placement of shelled corn and/or other types of grain, salt or minerals, fruit or vegetable matter on the ground or in feeders, mangers or any other type of structure or receptacle for the purpose of feeding or attracting whitetail deer, on any private or public property.
2. Exceptions. The prohibition in Section 55.20 (1) shall not apply to:
 - A. Deer management practices approved, authorized and sponsored by the City.
 - B. Use of bird feeders or their equivalent for the primary purpose of feeding of birds.
 - C. Cultivation of naturally growing grains, fruits or vegetables, for purposes other than the feeding of whitetail deer, but which inadvertently attract whitetail deer.
3. Penalties. The penalty for violation of this section shall be not less than \$250.00 nor more than \$500.00 for the first day of violation and not less than \$10.00 nor more than \$25.00 for each subsequent date of violation.

(Ord. 2010-2300 – Apr. 11 Supp.)