

## 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 any dog or cat found off the premises of the owner or keeper. A dog or cat shall not be deemed at large if the dog or cat is:
  - A. Attached to a leash of sufficient strength and appropriate length to control the animal where such leash is held by its owner or keeper; or
  - B. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or cat within the motor vehicle; or
  - C. Housed in a licensed veterinarian hospital or kennel; or
  - D. Accompanied by the owner or keeper on the premises of another with such person's consent and restrained by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow the dog or cat to go beyond such person's property line or come into contact with anyone outside such person's property line.  
*(Ord. 2013-02 – Sep. 13 Supp.)*
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 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 NUMBER OF DOGS ALLOWED AT A RESIDENCE.** It is unlawful for any person to own, keep, shelter, or harbor more than 4 dogs over the age of 6 months.

**55.10 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner. Any dog over the apparent age of four (4) months old which is a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds falls under the category of vicious dogs. Any Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds that has been registered with the City of Minburn prior to January 1, 2003, and has not attacked or bitten any person without provocation, or does not have propensity to attack or bite persons is exempt from this definition.

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

*(Code of Iowa, Sec. 351.33)*

**55.12 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)*

**55.13 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)*

**55.14 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.

**55.15 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:

1. Impounding costs;
2. Any applicable municipal infraction fine; and
3. Any registration fees due.

For both dogs and cats, proof of current vaccination against rabies must be presented or the pet must be vaccinated prior to release. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.16 IMPOUNDING COSTS.** Impounding costs are those charged incurred by the City of Minburn.

*(Code of Iowa, Sec. 351.37)*

**55.17 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

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 that 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.

**55.18 SANITATION.** It is unlawful for any owner, keeper, walker, or anyone having custody or control of an animal to permit said animal to discharge said animal's feces upon any public or private property within the City, other than the property of the owner of the animal, if such owner, keeper, walker, or other person having custody or control of the animal does not immediately thereafter remove and/or clean up said animal's feces from the public or private property and dispose of said feces in a sanitary manner. In addition, it is unlawful for the owner or person in charge of any dog, cat, or other animal to fail to keep the premises where the animal is kept within the City in a clean and sanitary condition at all times.

*(Ord. 2013-02 – Sep. 13 Supp.)*

**55.19 PENALTY.**

1. The first violation of this chapter may result in a warning letter mailed by the City Clerk or a letter advising that a violation of any part of this chapter shall be considered an offense for which a penalty, consisting of either a fine or community service as set by resolution by the Minburn City Council, shall be imposed. If the violation is a violation of Sections 55.02 (Animal Neglect), 55.03 (Livestock Neglect), or 55.10 (Vicious Dogs), such offender shall be issued a municipal citation, which shall result in an appearance before the Iowa District Court for Dallas County.
2. The second offense or repeated offenses of this chapter shall result in a municipal citation, and the penalty shall be the minimum amount as determined by the *Code of Iowa* for a simple misdemeanor plus court costs. The citation either will be personally delivered or sent by certified mail with proof of mailing.
3. Repeated offenses of this chapter shall result in a municipal citation, and the penalty shall be any amount in excess of the minimum fine as determined by the *Code of Iowa* for a simple misdemeanor plus court costs. The citation either will be personally delivered or sent by certified mail with proof of mailing.
4. The parties who are authorized to issue a citation in this chapter include the Mayor, City Clerk, Deputy Clerk (billing clerk), and the Public Works Director.

*(Ord. 2013-02 – Sep. 13 Supp.)*

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