

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinances pertaining to animals:

1. "Animal" means a nonhuman vertebrate.
2. "At large" means off the premises of the animal's owner, unless, with reference to a dog, it is:
 - A. Attached to a leash of sufficient strength to restrain the dog and is not more than six (6) feet in length, when the leash is held by a person capable of restraining and controlling the dog,
 - B. Properly restrained within a motor vehicle or housed in a veterinary hospital, or
 - C. Accompanied and "at heel" beside the owner or other person.
3. "Dangerous animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animal declared to be dangerous by the County Board of Health or Council or its designee; and (c) the following animals, which are deemed to be dangerous animals per se:
 - A. Wolves and coyotes;
 - B. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - C. Bears;
 - D. All apes (including chimpanzees), baboons and macaques;
 - E. Monkeys, except the squirrel monkey;
 - F. Elephants;
 - G. Wild boar;

- H. Black widow spiders and scorpions;
 - I. Snakes that are naturally venomous or poisonous and also constricting snakes;
 - J. All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
 - K. Raccoons, opossums and skunks;
 - L. Alligators and crocodiles;
 - M. Dangerous dogs, which means (1) any dog with a propensity, tendency or disposition to attack or cause injury to or to otherwise endanger the safety of humans or other domestic animals, or (2) any pit bull terrier, which is defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State.
4. "Dog" means both male and female animals of the canine species.
 5. "Kennel" means any premises on which four (4) or more dogs or four (4) or more cats, six (6) months old or older, are kept for sale or temporary boarding and which are kept under constant restraint.
 6. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, or poultry.
 7. "Owner" means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 351.2)

8. "Veterinary hospital" means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseased and injured animals.
9. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that, while running at large, has attacked or bitten any person without provocation or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (d) has attacked or bitten any domestic animal or fowl on three separate occasions within a

twelve-month period; or (e) which has been found to possess such a propensity by the Council, after hearing.

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.7)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

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 PROHIBITED ACTS. It is unlawful for any person to do the following:

1. Aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.
2. Fail to restrain an animal owned by such person or in such person's custody or control within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another.
3. Interfere in any manner with any employee or designated representative of the City so as to hinder, delay or prevent the execution of such employee's duties in relation to the matters and things contained in these chapters pertaining to Animal Control.
4. Fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or person's dwelling or other structure where an animal under such person's care and control is at any time kept. At least once every twenty-four hours, or more often if odors or health problems arise, such persons shall pick up any and all feces so as to prevent its accumulation and the same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal and the place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.
5. Own or harbor more than six (6) dogs over twelve months of age at any one time, or keep more than ten (10) dogs under two months of age at any one time or for more than fifty (50) days in any year. The provisions of this subsection do not apply to persons operating a commercial, boarding or hobby kennel.
6. 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. (Ordinance 52A-04, 7-26-04)
7. All feces removed as aforesaid shall be placed in a 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. (Ordinance 52A-04, 7-26-04)

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

(Code of Iowa, Sec. 351.33)

55.11 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.

1. When the City receives information that any person has been bitten by an animal or that a dog or animal is suspected or having rabies, a police officer shall order the owner to deliver such animal to a veterinarian in the County for examination within twenty-four hours.
2. If the animal has been vaccinated in the manner required by this Code of Ordinances, the owner may, after the animal has been examined by a veterinarian, confine the animal at his or her place of residence. If this is not possible, the animal must be confined at a veterinary hospital. In either case, the animal must be confined for a period of fourteen (14) days.
3. If the animal is confined by the owner, the same veterinarian who examined the animal at commencement of confinement, or a veterinarian designated by the original veterinarian, must re-examine the animal and issue a written release before the owner may end such confinement.
4. If the owner fails to confine the animal as ordered, the animal shall be apprehended and impounded by the City, and after two weeks, the City may humanely destroy the animal. If the animal is returned to its owner, the owner shall pay the costs of impoundment.
5. If the animal has not been vaccinated in the manner required by this Code of Ordinances, the animal shall be confined at a veterinary hospital for fourteen (14) days or be immediately humanely destroyed and the brain transported to a qualified laboratory for examination.
6. The veterinarian examining such animal shall report his or her findings to the Dubuque County Board of Health, to the City and to the

physician attending the victim within twenty-four hours of the final examination. Said reports should be made immediately by telephone or in person and verified in writing at the earliest opportunity.

7. The owner of any animal reasonably subjected to the foregoing procedures shall pay all expenses resulting from such apprehension, confinement, examination and/or destruction.

55.13 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.

55.14 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 IMPOUNDING COSTS. The impounding fee shall be established by resolution of the Cascade City Council. (Ordinance 52-04, 2-9-04).