

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 85
GENERAL PROVISIONS

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85.01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinance pertaining to Animal Protection and Control:

1. "Animal": shall mean all living creatures not human.
2. "At large": shall mean any animal found off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.
4. "Domestic Animal" shall mean any living creature possessed or kept or sheltered by an owner as a pet.
5. "Vicious Animal": shall mean any animal, that has

attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct, (a) did bite once causing severe injuries, including but not limited to, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery; (b) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (c) has attacked or bitten any domestic animal on two separate occasions within a twelve-month period; or (d) which has been found by the city council, after hearing to possess such propensity. The term "vicious animal" shall not include animals in the following circumstances: (a) animals under the control of law enforcement or a military agency; or (b) guard dogs that are kept within a structure or fixed enclosure at all times. Guard dogs that are found at large may be processed provided for in this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog" or words of similar import, and the owner of such premises shall inform the chief of police that a guard dog is on duty at such premises.

6. "Exotic Animal": shall mean any animal of a wild, fierce, or predatory nature, and which because of its size, vicious nature, origin outside of the United States, or other characteristics would constitute a danger to human life or property. This includes, but is not limited to non-human primates; large felines, non-domesticated canids; bears, poisonous reptiles, etc.

85.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the said animal with adequate shelter, or shall torture, torment, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently. (Code of Iowa, Sec. 717.1A and 717.2)

85.03 ABANDONMENT. A person who has ownership of a domestic animal shall not abandon said animal, except the person may deliver the animal to another person who will accept ownership and custody or the person may deliver the animal to an animal shelter or pound. (Code of Iowa, Sec. 717B.8)

85.04 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

85.05 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal. (Code of Iowa, Sec. 717.1A)

85.06 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow domestic animals to run at large within the corporate limits of the City. Any animals running at large may be impounded.

85.07 FARM ANIMALS

1. Permit Required. It shall be unlawful for a person to keep within the corporate limited of the City of Albia, those animals normally associated with farm animals, including but not limited to the following classes of animals:

- a. Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats);
- b. Perissodactyla, which includes all members of the family Equidae (horses, ponies, assess and mules);
- c. Anseriforms, which includes ducks and geese;
- d. Carnivoras, which includes mink and skunks;
- e. Columiformes, which includes hawks and falcons; and,
- f. Galliformes, which includes chicks, turkey and fowl-like birds; without first obtaining a permit to do so from the Chief of Police, which permit shall be issued only after inspection of the premises and assurance that all requirements of this chapter have been met.
- g. Apis Melifra (Honey Bees)

2. Application for Permit. Any person desiring a permit under this chapter shall make written application therefore to the Chief of Police upon a form prepared by the City. Said pplication shall describe the real estate upon which the permit is to be issued and certify that the landowner has a minimum of four (4) acres in which to keep said animals. The applicant will also certify type and number of animals to be kept on said real estate and shall include such other information the City deems appropriate to require. Said application will contain a statement by the applicant that he/she

will "at all times keep such animals in accordance with all conditions prescribed by State law and this ordinance and failure to obey such conditions shall be a violation of this chapter and shall be cause for revocation of the permit." Except between family members, said permits may not be sold, assigned or transferred and shall apply only to the premises designated and the person, firm, association or corporation to whom issued only. A violation of the transfer provisions shall be cause for revocation of any such permit.

3. Application Fee. All application received on or before January 31, 2009, shall be accepted without a fee. All application received after that date must include a fee for the initial issue of a permit for the keeping of farm animals in the amount of \$65.00 and shall not be refundable if the permit is denied or revoked, or if the farm animals are removed or die, All permits issued are valid for a period of one (1) year and may be renewed for a period of one year without payment of any additional fee.

4. Inspection Clause. By making application for a permit under the provisions of this chapter, the Applicant is granting express permission for the City, through its designee, to inspect the premises for which the permit will be issued to ensure compliance with all provisions of this chapter. Further, the right of inspection to ensure compliance with the provisions of this chapter shall remain with the City as long as the permit is in operation. The right of inspection shall also include the right to ensure removal of animals if required under the provisions of this chapter. The inspector will give the owner the opportunity to be present and will observe appropriate bio-security to protect the health of the animals.

5. Revocation of Permit

a. Every permit shall be subject to revocation for any violation of the provisions of this chapter or any other pertinent ordinance of the city, or any statute or regulation of the State of Iowa pertaining hereto. Notice of such revocation shall be given in writing, delivered personally or by regular mail to the holder of such permit. The notice shall state the grounds upon which the permit has been revoked and shall state that the holder of the permit is required to remove all farm animals from the premises concerned within fifteen (15) days after receipt of notice of revocation. The notice shall also inform the permit holder of the right to appeal such revocation.

b. Grounds for revocation

1. Violations of City ordinance, or any statute or regulation of the State of Iowa pertaining to the keeping or confinement of farm animals;
2. Violation of the fencing requirements of this chapter;
3. Violation of the distance from dwelling requirements of this chapter;
4. Violation of the density of animals provisions of this chapter; and,
5. The keeping of bothersome animals, which by their actions, are disrupting the peace and good order of the community.

6. Appeal of Revocation. The City Council may hear and determine any matter pertaining to the issuance or revocation of a permit, as herein provided, upon application or request to do so by the applicant or license holder. An appeal under this chapter shall be filed with the city clerk in writing within fifteen (15) days of the denial or revocation of a permit.

7. Removal of Animals. If animals or fowl are found being kept without a permit having been issued, the City shall be authorized to immediately impound the animals or fowl. The owner of the impounded animals or fowl shall be responsible for all impound and boarding fees. In the event of the revocation of any permit, as herein provided, the holder of such permit shall remove all animals or fowl from the premises concerned within fifteen (15) days after receipt of notice or revocation. Application can be made to the City Council to extend the time for removal for an additional ten (10) days making a total time for removal of 25 days.

8. Land Requirements

- a. The applicant must have a minimum of four acres on which such animals could be placed and said land must abut or include land currently part of Monroe County;
- b. Applicants may include all property on which the animals will be kept whether that property be within the corporate limits of the City of Albia or in Monroe County as long as the land enclosing the animals is adjoining land;

9. Fence Required. Any person keeping farm animals within the City shall keep the premises upon which the same are kept fenced in accordance with state law to restrain such animals from being or running at large.

10. Distance from Dwellings

a. No person within the City of Albia shall keep any farm animals within one hundred fifty (150) feet from any occupied dwelling, other than the dwelling of the owner of such animals.

b. If the owner of the farm animals is able to obtain the written consent of the owner and occupant of dwelling, the 150 foot requirement may be waived as to that dwelling but still may not be any closer than 75 feet from that dwelling.

c. Permission to be closer than the 150 foot requirement, once obtained, continues to run with the land.

11. Numbers Limited

a. Persons keeping those classes of animals known as Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats) and Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules), shall be limited in density to a maximum of two per acre. The number of animals will be determined by the size of the enclosure whether the land be located on city or county property.

b. This purpose of this density provision is to set the total number of animals an owner can have based on the size of their available land. It is not intended to prevent the enclosing of animals for specific agricultural purposes such as feeding or veterinary services.

12. Exemptions

a. The provisions of this Chapter shall not apply to circuses, carnivals, agricultural shows or exhibits and other such enterprises which are operated only for a limited period of time and intermittently.

b. Concerning the classes of animals known as Artiodactyla, which includes all members of the families Suidae (swine) and Bovidae (cattle, sheep and goats) and Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules); As long as the density provisions of this chapter are followed, the limitations on the number of outdoor animals as set forth in Chapter 85.30 of the City Code shall not apply.

c. The keeping of bees will be governed by the following requirement notwithstanding the other requirements of this ordinance.

Hives may be located only on lots with residential use
No more than three (3) hives may be located on a lot
No hive shall exceed 15 cubic feet in volume
No hive closer than 25 feet from any property line
No hive closer than 10 feet from public sidewalk or 25 feet from a principal building on an abutting lot.
A constant supply of water shall be provided to hives

13. Penalty. Any person or legal entity found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of the City Code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction.

85.08 DAMAGE OR INTERFERENCE. It shall be 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.

85.09 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a domestic animal to allow or permit such animal to cause serious annoyance or disturbance or any person or persons by frequent and habitual emitting of sound or otherwise; or, by running after or chasing persons, bicycles, automobiles, or other vehicles.

85.10 VICIOUS ANIMALS. It shall be unlawful for any person to harbor or keep within the City a vicious or exotic animal as this term is defined in this code.

85.11 SUMMONS ISSUED. The owner of any domestic animal shall be issued a summons to appear before a proper court to answer charges of permitting such animal to be at large in violation of

this chapter.

85.12 RIGHT TO KILL UNVACCINATED DOGS AND CATS. It shall be lawful for any person, and the duty of all peace officers within their jurisdictions, unless such jurisdiction shall have otherwise have provided for seizure and impoundment of domestic animals, to kill any dog or cat for which a vaccination is required, when such dog or cat is not wearing a collar with vaccination tag attached as herein provided. (Code of Iowa, Sec. 351.26)

85.13 RIGHT TO KILL VACCINATED DOGS AND CATS. It shall be lawful for any person to kill a dog or cat wearing a collar with a vaccination tag attached, when such dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or when such dog or cat is attacking or attempting to bite a person. (Code of Iowa, Sec. 351.27)

85.14 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended cannot be located after a reasonable effort by local authorities such animals may be humanely destroyed otherwise disposed of in accordance with the law.

85.15 OWNER'S DUTY. It shall be the duty of the owner of any domestic 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 shall be 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)

85.16 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that an 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)

85.17 DOGS IN SEASON. (REPEALED).

85.18 IMPOUNDING.

1. Any unvaccinated dog or cat or any vaccinated dog or cat found at large in violation of section 85.06 shall be seized and impounded. At the discretion of the chief of police, the owner may be served a summons to appear before a proper court to answer

charges made.

2. Owners of unvaccinated dogs or cats shall be notified within two days of impoundment that, upon payment of impounding fees of fifty dollars plus payment for room and board, the dog or cat will be returned. If the impounded dog or cat is not recovered by its owner within seven days after notice, then the dog or cat becomes the property of the facility. Said facility may then undertake disposal of the animal through humane methods or transfer the animal to a home through sale or adoption of the animal. This provision shall not apply if the dog or cat is confined pursuant to Sec. 351.39 and 351.40 of the Iowa Code.

3. Impounded unvaccinated dogs or cats may be recovered by the owner, upon proper identification, by payment of the impounding fee, vaccination costs and boarding costs. If such dogs or cats are not claimed within seven days, they become the property of the facility. Said facility may then undertake disposal of the animal through humane methods or transfer the animal to a home through sale or adoption of the animal. This provision shall not apply if the dog or cat is confined pursuant to Sec. 351.39 and Sec. 315.40 of the Iowa Code.

4. All notices to owners shall be by ordinary mail to the last known address of such owner.

85.19 VIOLATIONS-PENALTY. Any owner violating any of the provisions of this chapter, upon conviction, shall be guilty of a simple misdemeanor.

85.20 NUMBER OF ANIMALS. It shall be unlawful for any person within the corporate limits of the City to own, keep, or harbor outdoors more than six (6) mature domestic animals. The offspring of said mature domestic animals may be kept up to six months of age without violating this ordinance, so long as the presence of such offspring do not constitute a violation of any other city ordinance. This provision does not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon such premises and used by such business.

85.21 ANIMAL PENS. Outdoor animal pens shall be located thirty-five (35) feet from any dwelling other than the person owning or controlling the animal. The number of pens shall be limited to six (6). The total pen area shall not exceed 760 square feet. This numerical and size limit does not apply to veterinarians and proprietors of animal hospitals or the animal breeders or kennel operators who hold valid licenses from the State of Iowa for breeding or kennel operations when such animals are kept upon such

premises ad used by such business. It shall be unlawful for any person keeping or harboring such animal to:

1. Fail to keep the premises where such animals are kept free from offensive odors that are disturbing to any person residing within reasonable proximity to said premises.

2. Allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

3. Allow the animals or premises where animals are kept to become infested with ticks, fleas, or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

4. Allow pens to become a public nuisance.

85.22 COLLECTION OF ANIMAL WASTE. The owner or person controlling an animal shall not allow that animal to deposit animal waste on property other than that of the owner or controller of the animal. In the event an animal deposits feces or waste on property other than that owned by the owner or controller of the animal, the owner or controller of the animal shall collect the animal waste and dispose of it in a sanitary manner.

85.23 VACCINATION FOR RABIES. Every owner of a cat or dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a cat or dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Cats and dogs kept in licensed kennels and not allowed to run at large shall not be subject to these vaccination requirements. (Sec 351.33, Code of Iowa)