

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.

2. "At Large" means any animal off the premises of its owner or upon the public streets, sidewalks, alleys, public grounds, school grounds or parks within the City. An animal is not deemed to be at large if:
 - A. The animal is on the owner's property; or
 - B. The animal is confined in a cage or motor vehicle; or
 - C. The animal is restrained by a leash of sufficient strength to control its action; or
 - D. The animal is within a designated "Public Dog Park"; or
 - E. A dog actively engaged in obedience training, for hunting or for other service under control of its owner or trainer provided that the owner or trainer is conducting the training in an open public park and is not endangering other users or animals in the area."

3. "Cats" means both male and female cats, six months of age or over, including both spayed and unspayed cats.

4. "Dogs" means both male and female dogs, including both spayed and unspayed dogs.

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.

6. “Owner” means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 717.1 and 717B.1)

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)

1. SHELTER DEFINED. The following minimum standards are required for animals sheltered outside the home and in confined spaces.

A. Shelter.

- (1) All animals must be able to stand to their full height, stretch out, turn around, lie and make normal postural and social adjustments comfortably and with adequate freedom of movement to maintain physical condition.
- (2) Unless animals are allowed to exercise freely twice a day for periods of at least one hour, the square footage of the area of confinement must equal the length of the animal multiplied by six(6) but no less than twenty four (24) square feet for *dogs and cats*. The area must be of sufficient height to allow the animal to stretch to its full height.
- (3) If an animal is confined by a chain or tether, the length of the chain or tether must be at least fifteen (15) feet and shall be arranged so that it cannot become entangled.
- (4) The above space may not be sufficient for certain animals. Inadequate space may be indicated by evidence of poor physical condition and stress or abnormal behavior patterns such as pacing or circling within the area of confinement.

B. Lighting.

- (1) All animals must have five (5) hours of light every day, except as dictated by hibernation, veterinary advice or professionally accepted practices for the safety and well being of the animal.

- (2) Lighting of primary enclosure shall be designed to protect the animals from excessive illumination. The duration of illumination shall be appropriate for the species involved.

C. Outdoor shelter (General).

- (1) All animals must have access to shade from the sun.
- (2) All animals kept outdoors must have access to a weatherproof shelter. Between November 1 and March 30 and in inclement weather, the term “weatherproof” shall mean a structure of no less than three sides, a roof and floor, except for ungulates (hooved animals) whose shelters may be floorless.
- (3) Structures shall be windproof and moisture proof.
- (4) In cases where there is no artificial heat source, structures must be small enough, if appropriate, to allow the animal to maintain its body heat and to warm the interior of the structure.
- (5) Only shelters used by ungulates (hooved animals) may have *noninsulated* metal roofs. No other structures shall have any *uncovered* interior metal surfaces.

D. Dogs. The shelter for a dog shall have a solid floor. The entrance shall be covered by a flexible, windproof material or a self-closing door. Between November 1 and March 30, bedding such as cedar chips, hay or straw shall be provided for insulation against the cold and damp. Bedding must be kept dry.

E. Sanitation. Both indoor and outdoor enclosures shall receive cleanings as necessary to remove excreta, dirt and debris so as to minimize disease hazards, odor and dangers to the animal.

2. **PROPER FOOD AND WATER DEFINED**

A. No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.

- (1) The animal shall be provided food, which shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the dog and shall be located so as to minimize contamination by excreta and/or insects. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding.

Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed. Spoiled or contaminated food shall be disposed of in a sanitary manner.

- (2) If potable water is not accessible to the animal at all times, it shall be provided daily and in sufficient quantity for the health of the animal. If the water is kept in a container, this container shall be designed sufficiently to prevent tipping and spilling of the water contained therein. If necessary to accomplish this, the container shall be secured to a solid structure or secured in the ground. Watering containers shall be kept clean, kept out of sun, and must be emptied and refilled with fresh water at least once a day; or if an automatic or demand device provides the water, the water supply connected to the device must function 24 hours a day and the water receptacle and bowl must be cleaned regularly.

(Ord 596, adopted 5/21/08)

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 or except in compliance with the City's zoning regulations.

55.06 TRAPPING DISALLOWED. No persons except those acting on the authority of the Director of the Department of Natural Resources or other peace officer shall capture or take or attempt to capture or take, with any trap, snare or net, any animal, bird or other living being within the corporate limits of the City.

55.07 AT LARGE PROHIBITED. All animals shall be restrained by the owners thereof from running at large.

1. **Leashing and Conduct in Public Places.** No person shall bring any animal that is owned, sheltered and cared for by any persons into any public park, public playground, public school grounds, public parking lot, public street, or sidewalk unless the animal is on a leash or lead that is no more than ten (10) feet in length and under the complete control of its

owner or keeper at all times. No person shall allow any dog or other animal to dig up, mutilate, deface or destroy any such public properties.”

55.08 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 or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs or cats kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.09 NOISY DOGS OR CATS.

1. No person shall keep, harbor or have in his or her possession any dog or cat which, by frequent and habitual howling, yelping, barking, or otherwise, causes a serious annoyance or disturbance to persons or to the neighborhood.
2. One or more signed complaints, on a regular form furnished by the Police Department, against such dog or cat shall be promptly referred to the Police Department for investigation.
3. Enforcement of this section shall be by complaint of two (2) or more persons against such dog or cat or a violation observed by a peace officer.

55.10 DISTURBING THE PEACE.

1. It is unlawful for any owner of a dog or cat to allow or permit such dog or cat to pass upon the premises of another thereby causing damage or annoyance or otherwise interfering with the premises or to permit such dog or cat to run after or chase persons, bicycles, automobiles or other vehicles.
2. It is unlawful for an owner of a dog or cat to allow or permit such dog or cat to run at large at any time when the animal is known to have bitten or harmed a person without provocation.
3. One or more signed complaints, on a regular form furnished by the Police Department, against such dog or cat shall be promptly referred to the Police Department for investigation.
4. Enforcement of this section shall be by complaint of two (2) or more persons against such dog or cat or a violation observed by a peace officer.

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

55.13 CONFINEMENT OF UNSPAVED DOGS AND CATS. The owner of an unspayed female dog or cat shall confine it indoors during its rutting period.

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 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)

55.16 UNAUTHORIZED REMOVAL OF LICENSE OR RABIES TAG. Any unauthorized person or persons who willfully and maliciously removes a license tag or rabies tag from any dog or cat of another person is guilty of a misdemeanor.

55.17 SANITATION. The owner of any animal shall, at all times when said animal is not on the owner's premises, clean up any feces of said animal and deposit the same in the sanitary sewer system or suitable receptacle.

55.18 FREQUENT VIOLATORS. Conviction of a person for violation of any provision of Chapter 55 of the Municipal Code of the City of West Burlington for a fourth or subsequent time, not necessarily the same provision of said Chapter 55, shall be punished by municipal infraction.

(Ord. 557 5/9/05)

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