

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 Animal Protection and Control:

1. “Animal” means a nonhuman vertebrate.
2. “At large” means 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” means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 351.2)

55.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food or water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, 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. 717.2)

55.03 ABANDONMENT. A person who has ownership 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. 717.4)

55.04 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.

(Code of Iowa, Sec. 717.3)

55.05 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. 717.1)

55.06 AT LARGE PROHIBITED. No owner of any dog shall, knowingly or unknowingly, permit such dog to run at large, whether the dog be licensed or unlicensed.

55.07 BOTHERSOME ANIMALS. It is unlawful for a person to keep within the City bothersome animals such as bees, cattle, donkeys, mules, horses, swine, sheep, goats, fowl and geese, which tend to disrupt the peace and good order of the community.

55.08 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.

55.09 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.

55.10 VICIOUS ANIMALS. It is unlawful for any person to harbor or keep a vicious animal within the City. An animal 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. In addition to any remedies provided by this chapter, the City may cause removal of any vicious animal in accord with the provisions and procedures set forth in Chapter 54 of the Code of Ordinance.

(Ord. 747 – Nov. 04 Supp.)

55.11 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 the 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)

55.12 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 law enforcement receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, a law enforcement official 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 law enforcement, and after ten (10) days may have the animal humanely destroyed. If such animal is returned, the owner shall pay the cost of impoundment. This section does not apply if any police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Ord. 734 – Jan-04 Supp.)

(Code of Iowa, Sec. 351.39)

55.14 CONTAINED ANIMALS: IMPOUNDMENT. Anyone keeping, sheltering or harboring a bothersome, interfering, annoying, or disturbing animal in violation of this chapter shall be guilty of a simple misdemeanor and continuing violation of said sections may result in the impoundment and disposition of such animals as provided herein.

55.15 AT LARGE ANIMALS: IMPOUNDMENT. *(Repealed by Ord. 734 – Jan-04 Supp.)*

55.16 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days of impoundment provided 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 redeemed by the owner only upon providing the impoundment facility a written release from the Glenwood Police Department that all impoundment costs and fees have been fully paid, and if the animal is a dog which is not vaccinated, by having the animal immediately vaccinated. Should the owner fail to redeem the animal within seven (7) days of the commencement of the impoundment, the animal shall be disposed in accordance with law or destroyed by euthanasia. If the animal is euthanized, the owner of the animal shall pay a forty dollar (\$40.00) euthanasia fee to the Glenwood Police Department. Any dog or cat shall be properly sterilized before ownership may be transferred by way of sale or adoption.

(Ord. 864 – Mar. 15 Supp.)

55.17 IMPOUNDING COSTS. Impounding costs shall be sixty dollars (\$60.00) for each impoundment during any calendar year for the first day, or any part thereof, and twenty-five dollars (\$25.00) per day thereafter while the animal is impounded. No animal shall be impounded for more than seven (7) days unless the animal has been impounded pursuant to the provisions of §§54.04 and 55.13 of the Code of Ordinances and in sole discretion of the Glenwood Police Department. Notwithstanding the

foregoing, the impoundment costs for an animal impounded pursuant to the provisions of §§54.04 and 55.13 of the Code of Ordinances shall be \$350.00, payable to the Glenwood Police Department by or on behalf of owner.

(Ord. 864 – Mar. 15 Supp.)

55.18 ADOPTION COSTS. *(Repealed by Ord. 734 – Jan-04 Supp.)*

55.19 LICENSE REQUIRED – EXCEPTION. All dogs six months old or older kept, harbored or maintained by their owners in the City shall be licensed annually by their owners as provided in this chapter, and it is unlawful for the owner of any dog to fail to properly license the animal except that the following dogs need not be licensed provided they are properly immunized against rabies:

1. Dogs which are kept and raise solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to Chapter 162 of the Iowa Code, i.e. “Kennel Dogs”;
2. Guide dogs, owned by a blind or partially sighted person, and specifically trained to aid such person;
3. Dogs that are under the control of the owner or handlers, and which are in transit or are to be exhibited if they are to be within the City for less than thirty (30) days;
4. Service dogs specially trained, maintained and owned for the primary purpose of assisting a physically disabled person with daily living activities necessary to sustain a normal quality of life.

55.20 LICENSE APPLICATION – PROCEDURE AND FEES.

1. The owner of a dog for which a license is required shall on or before July 1st of each year apply to the Glenwood Police Department for a license for each dog owned by owner.
2. Such application shall be in writing on forms provided by the Glenwood Police Department and shall state the breed, sex, age, color, markings and name, if any, of the dog, and the name, address and telephone number of the owner, and be signed by the owner.
3. Before a license is issued for any dog, the owner must present evidence with the application that the dog has been vaccinated against rabies. Such evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination is valid for a minimum of thirty (30) days from the date the license is purchased.
4. The annual license fee for each dog shall be \$10.00.
5. All licenses shall expire on June 30 of the following year in which the license was issued.
6. The annual license fee shall become delinquent on July 31 of the year in which the same is due and payable as required in this section, and shall be

considered delinquent thirty days after such animal has come into the possession of the owner or reached six months of age; and a penalty of \$10.00 shall be added to the cost of each unpaid license fee on and after such date.

(Ord. 845 – Aug. 11 Supp.)

55.21 TRANSFER OR CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the new owner shall within ten working days from the date of change of ownership make application for a new license as provided under the provisions of this section and shall pay the annual fee. It is unlawful for the new owner of any dog to fail to make application for a new license within the time herein specified.

55.22 TAGS DISPLAYED. Upon an application and payment of the license fee, a license certificate shall be issued to the owner. The tag shall have stamped thereon the number corresponding with the number on the license certificate. Every owner shall be required to provide each dog with a substantial collar or harness to which the license tag shall be affixed, and the owner shall see that the collar or harness bearing the license tag is constantly worn. It is unlawful for an owner to fail to insure that the license tag is at all times worn by the dog and any dog found not wearing a license tag shall be deemed not to be licensed and not have a current rabies vaccination and shall be treated as unlicensed and unvaccinated under the terms of the City and State laws.

(Ord. 869 – Sep. 16 Supp.)

55.23 DUPLICATE TAG. Upon filing of an affidavit with the Glenwood Police Department that a license tag has been lost or destroyed, the owner may obtain another tag upon the payment of a \$5.00 fee.

(Ord. 845 – Aug. 11 Supp.)

(Sections 55.19 – 55.23 added by Ord. 689 – May 02 Supp.)

55.24 TRANSPORTATION FEES. The owner of any dog, cat or other animal apprehended, impounded or confined in accord with this Chapter or Chapter 54 of the City Code of Ordinances and subsequently transported by or on behalf of the City for extermination, adoption or other disposition outside the Glenwood city limits shall be assessed a transportation fee of one hundred twenty-five dollars (\$125.00) for each such animal transported.

(Ord. 864 – Mar. 15 Supp.)

55.25 SCHEDULED VIOLATION. Any person owning, possessing or maintaining a dog which has not been duly licensed or which does not display a tag in accord with Sections 55.19 through 55.22 shall be assessed a \$50.00 municipal infraction penalty.

(Ord. 845 – Aug. 11 Supp.)

55.26 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from feces.
2. No owner of any animal, or person in possession thereof, 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 person in possession 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.
3. All feces removed as aforesaid shall be placed in an airtight 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.
4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

(Ord. 764 – Sep. 05 Supp.)

55.27 MUNICIPAL INFRACTION. Any fees incurred by or on behalf of the City as a result of impoundment, transportation, vaccination, or sterilization shall be immediately due and payable by the "Owner" of the animal as defined in §55.01. Failure to pay the fees as required by the terms of this Chapter may result in the issuance of a municipal infraction citation to said owner wherein the City shall seek reimbursement of said costs incurred on behalf of the Owner's animal and a monetary fine in accord with §4.03 of the City Code of Ordinances.

(Ord. 864 – Mar. 15 Supp.)