

**Chapter 6.04**  
**DOGS AND ANIMALS**

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\* For statutory provisions concerning dogs and the licensing thereof, see Code of Iowa Chapter 351; for provisions authorizing cities to license dogs, see Code of Iowa Chapter 351.24.

6.04.010 Definitions.

1. "Animal" means any living thing except a human being or a plant.
2. "Animal Control Officer" means the official designated by the City Council to enforce the provisions of this chapter.
3. "Application" means a written request or demand of the City, by an applicant claiming to have the legal right to the possession of an animal, to be allowed to harbor, shelter, keep and/or bring the animal within the City.
4. "At Large" includes any circumstances except;
  - A. Upon the premises owned or rented by the owner of the animal;
  - B. Upon premises not owned or rented by the owner of the animal, by permission of the owner of the premises;
  - C. Confined within a cage or the interior of a motor vehicle;
  - D. Sufficiently restrained by a leash, of not more than ten (10) feet in length, to prevent escape and retain and govern control over the animal.
5. "Claimed animal" means an animal with respect to which an application has been filed. "Unclaimed animal" means an animal impounded by the City with respect to which no timely application has been filed.
6. "Dangerous animal" means any animal, regardless of the age of the animal, which either:
  - A. Is a member of a species or breed which:
    - (1) is poisonous to humans or domestic animals,
    - (2) has a propensity to produce vicious animals, or
    - (3) is undomesticated and has known tendencies to kill, inflict serious injury or illness upon or cause disease among human beings or domestic animals;
  - B. Belongs to one of the following general species or breeds of animals:
    - (1) Lion, tigers, jaguars, leopards, cougars, lynx and bobcats;
    - (2) Wolves, coyotes, and foxes;
    - (3) Badgers, wolverines, raccoons, opossums, weasels, skunks and mink;

- (4) Wild boars;
- (5) Bears;
- (6) Apes, monkeys and chimpanzees;
- (7) Alligators, crocodiles and Gila monsters;
- (8) Scorpions and venomous spiders;
- (9) Venomous and constrictor snakes;
- (10) Piranha; and
- (11) Pit bull terrier dogs, otherwise known as American Pit Bull Terriers or Staffordshire Bull Terriers or American Staffordshire Terriers; or

C. Is an offspring of any dangerous animal.

- 7. "Dog" means an animal which includes all domesticated members of the canis familiaris, male or female, whether altered or not.
- 8. "Guard Dog" means a dog which is trained to protect persons or property by attacking or threatening to attack persons.
- 9. "Owner" means any person owning, harboring, sheltering, keeping, or making an application for the animal.
- 10. "Vicious animal" means an animal, whether domesticated or not, which has attacked or bitten any person without provocation sufficient to predict such a response from the animal, or which has a propensity to attack or bite persons without provocation sufficient to predict such a response from the animal. (Ord 369, 1974, amended 1988 codification)

6.04.020 Animal License--Required--Fee.

- 1. The owner of any dog or cat six months old or older shall obtain a license. The City Clerk shall cause to be issued licenses upon application and payment of the fee provided in subsection C. of this section. The licensee, upon procurement of the license, shall securely attach the license tag to a collar or harness, and this collar or harness, with the license tag attached, shall at all times be kept on the animal for which the license is issued. Any dog or cat found at large without a collar or harness to which a license tag is attached shall be deemed unlicensed and shall be impounded. A license tag issued for one dog or cat shall not be transferred to another dog or cat.

2. The head of the family shall be liable for payment of the license fee on any dog or cat owned, harbored or kept by any member of the family.
3. The license fees shall be: Three dollars for each dog or cat.
4. In the event of a change in ownership, the license holder shall notify the City Clerk of such change. (Ord. 369, Sec. 2, 1973, Amended 1988 codification, Ord 17-06, 2006)

6.04.030 Female Dogs in Heat. The owner of a female dog in heat shall confine such dog indoors during such period. (Added 1988 codification)

6.04.040 Animals At Large. No owner shall permit any animal to be at large within the City. (Added 1988 codification)

6.04.050 Animals Disturbing the Peace. No owner shall harbor, shelter, or keep any animal within the City which by frequent barking, howling or other sound or noise unreasonably disturbs the quiet of the neighborhood. A duration of five (5) minutes is deemed unreasonable (1988 codification, amended Ord. 13-2023)

6.04.056 Farm Animals, Livestock. Farm Animals, commonly understood as livestock, may be kept on parcels in agricultural use exceeding fifteen (15) acres. *Refer to Chapter 17.42 for regulations on urban chickens.* (Ord. 22-2020)

6.04.060 Dead Animals. Any person finding a dead animal on any public property shall immediately notify the police department. (Added 1988 codification)

6.04.070 Rabid Animals. Any person who has reason to know that an animal is infected with rabies or that an animal has been bitten by a rabid animal shall report it to the police department or Animal Control Officer immediately. (Added 1988 codification)

6.04.080 Vicious Animals.

1. Absolute Prohibition. No person shall harbor, shelter, keep, bring, release or allow at large a vicious animal within the City, or deliver such an animal to another person within the City except for impoundment. This prohibition shall apply even if the owner does not but should reasonably know of such propensity.
2. Exemptions. Animals used in law enforcement by law enforcement personnel are exempt from this prohibition. Guard dogs are exempt from this prohibition only under the conditions that the dog at all times either (a) is under the absolute control and restraint of a trained handler so as not to be a threat to innocent persons, or (b) is securely confined within an enclosed area, including any enclosed motor vehicle, clearly posted with warnings at every door or other normal place of entrance that vicious dogs which may attack persons are within such area, and, except with respect to motor vehicles, the Animal Control Officer, the police department and the fire department are at all times fully informed of such areas and the times such guard dogs will be within such areas. (Added 1988 codification)

6.04.90 Dangerous Animals.

Absolute Prohibition. No person harboring, sheltering, or keeping a dangerous animal

shall release or allow at large such animal, or deliver such an animal to another person within the City except for impoundment. (Added 1988 Codification) (Updated April 26, 2017 Ordinance #10-17)

6.04.100 Impoundment.

1. Authority. Any unlicensed or untagged dog, unvaccinated dog, animal at large, dangerous animal, vicious animal, animal disturbing the peace, rabid animal, animal bitten by a rabid animal, or any animal suspected of being any of the foregoing, may be seized and impounded by the City.
2. Owner's Obligation. Any owner of an animal subject to impoundment shall either surrender the animal for impoundment or confine the animal, as directed by an officer of the City.
3. Notice of Impoundment to Owner and Inquiry by Owner. If the identity and address of an owner of an impounded animal is known, such owner shall be given written notice of the fact that the animal has been impounded, the name and address of the Animal Control Officer, and the date after which the animal will be disposed of unless an application is filed by an owner. The notice may be mailed or personally delivered. It is sufficient if notice is given to one of the owners, if there is more than one. Notice shall not be required when at least one owner has actual knowledge of the seizure of the animal. The City has no duty to attempt to discover the identity or address of any owner of an animal which is seized while at large and on which there is no owner identification or license number. Upon inquiry the Animal Control Officer shall inform any applicant for the animal of the reason for the impoundment.
4. Application by Owner.
  - A. Application. An application by an owner of an animal shall be complete and shall be filed with the Animal Control Officer of the City, on an appropriate form if available, within the time period prior to disposition of unclaimed animals. An application will not be deemed to be complete unless it reasonably identifies the specific animal involved and sets forth the applicant's name, address and telephone number where the applicant can be reached. Such application will not be deemed delivered or filed until actual receipt by the Animal Control Officer. The City shall have no obligation to determine whether or not any applicant in fact has a legal right to possession of an animal which of two or more applicants has superior legal rights to the possession of the animal.
  - B. Effect. The animal shall not be destroyed by the City during the pendency of the application unless the animal is found to be rabid. If the animal is within the custody of the City upon grounds or suspicion of being a dangerous animal or vicious animal, the filing of such an application shall automatically put such matters into issue.
5. Determination Regarding an Application for an Animal Which is or is Suspected of Being a Dangerous Animal or Which is or is Suspected of Being a Vicious Animal.

- A. Procedure Before Animal Control Officer. Within two (2) days from the delivery of the application to the Animal Control Officer, excluding Saturdays, Sundays and official state holidays, the applicant may present evidence informally to the Animal Control Officer tending to show that the animal is not a vicious animal or a dangerous animal which may be or may become a vicious animal. The Animal Control Officer may also investigate and accept other evidence. Pending and subject to a final decision on the application the Animal Control Officer may, for considerations of convenience and expense, release an impounded animal into the custody of the applicant under such terms and conditions as the Animal Control Officer deems necessary and proper, provided that all accrued fees, charges and expenses have been paid.
- B. Decision of the Animal Control Officer. The Animal Control Officer shall render a decision upon a finding either that:
- (1) the animal is vicious and should not be released or allowed within the City;
  - (2) the animal is not vicious and should be unconditionally released and allowed within the City;
  - (3) the animal may be or may become vicious and that the animal should be released and allowed within the City only upon certain conditions which may include requirements of liability insurance, methods of confinement or restraint, restrictions on sale or transfer of the animal within the City, and other pertinent restrictions; or
  - (4) that the animal be kept by the City under observation or testing for a period of not more than thirty (30) days before a decision is rendered. The decision of the Animal Control Officer shall be in writing and dated and shall be delivered immediately to the applicant personally or by mail.
- C. Right of Appeal. The applicant shall have two (2) days from the date of personal delivery of the decision, or five (5) days from the date of mailing of the decision, within which to appeal an adverse decision to the City Council by filing a written notice of appeal with the City Clerk. If the last day falls on a Saturday, Sunday or official state holiday, the applicant may file the notice of appeal on the next following day which is not a Saturday, Sunday or official state holiday. If no appeal is filed within that time period, the decision of the Animal Control Officer becomes a final decision.
- D. Procedure on Appeal. Upon timely appeal, the City Council shall hold a hearing at its next regular public meeting, or at a special public meeting not more than fourteen (14) days after filing of the notice of appeal, at which time the City

Council shall hear all evidence from the Animal control Officer, the applicant, and any other persons who wish to be heard. The City Council shall render its own independent final decision on the application consistent with this Chapter and with the evidence.

- E. Presumptions. Dangerous animals shall be presumed to be vicious animals and subject to the prohibition of Section 6.04.080. The burden shall be upon the owner to prove by the clear and convincing weight of the evidence that a dangerous animal is not and will not become a vicious animal. Animals which are not dangerous animals are presumed to be not vicious. The burden shall be upon the Animal Control Officer to establish by the preponderance of the evidence that although an animal is not a dangerous animal, that the animal is a vicious animal.
- F. Fees and Expenses. The Owner who filed the application for an impounded animal shall pay a fee of two dollars (\$2.00) plus charges, fees and expenses incurred by the City in the capture, impoundment, keeping and disposition of the animal, including its destruction if applicable. However, if an animal which was not at large is seized and impounded either under a suspicion of rabies or for being bitten by a rabid animal and is found not to be rabid, or under a suspicion of being a dangerous or vicious animal and is found not to be a vicious animal, the owner shall not be liable for any fees, charges or expenses except in the case of an unvaccinated dog suspected of being rabid. Such fees, charges and expenses are payable to the City at the City Clerk's office. (Added 1988 Codification)

6.04.110 Disposition of Unclaimed Animals.

1. Ordinary Disposition. The time period prior to disposition of unclaimed animals is seven (7) days including the date of seizure, or, if written notice is required to be given to any owner, seven (7) days including the date of mailing or personal delivery of such notice. The City Council or the Animal control Officer may exercise discretion to extend such period on any occasion. After the period prior to disposition has elapsed, the City may humanely destroy any unclaimed animal or sell or release it to a suitable environment, in its discretion.
2. Disposition Where Animal May Be Rabid. Notwithstanding any other provisions to the contrary, if a dog is unvaccinated for rabies, or if an animal is suspected of being rabid or being bitten by a rabid animal, the period prior to disposition shall be fourteen (14) days not including the date of seizure or until the animal is found to be rabid, whichever first occurs. Animals found by a physician or veterinarian to be rabid shall not be released and shall be humanely destroyed. Animals found by a physician or veterinarian not to be rabid will be disposed of either as claimed animals or unclaimed animals, as the case may be. (Added 1988 Codification)

6.04.120 Disposition of Claimed Animals.

1. Disposition Where Animal May Be Rabid. A claimed animal found to be a rabid animal will not be released and will be humanely destroyed. Animals impounded on suspicion

of being rabid or being bitten by a rabid animal but found not to be rabid after the period stated in Section 6.04.110 (2) may be released to the applicant without any further minimum period prior to release.

2. Disposition of Vicious Animal. A claimed animal found to be a vicious animal may be humanely destroyed or sold or released to a suitable environment outside of the City.
3. Disposition of animals which may be vicious. A claimed animal which may be or may become vicious may be released within the City only upon the conditions established in the final decision on the application, and otherwise may be humanely destroyed or sold or released to a suitable environment outside of the City.
4. Unlicensed, Untagged or Unvaccinated Dogs. Unlicensed, untagged or unvaccinated dogs may be released to the applicant only upon compliance with such requirement.
5. Other Animals. Other animals, animals found at large or animals disturbing the peace may be released to the applicant without any minimum period prior to release.
6. Fees and Expenses. Notwithstanding any other provision, no animal shall be released until all fees, charges and expenses have been paid in full. If all fees, charges and expenses are not paid within seven (7) days after final decision on an application, the animal may be disposed of as an unclaimed animal and the fees, charges and expenses shall remain the obligation of the applicant. (Added 1988 Codification)

6.04.130 Destruction to Avoid Danger. Nothing herein shall be construed either as preventing any person from killing any animal on their own property or in public places which attacks or threatens to attack persons or domestic animals or property or which cannot readily be seized without threat of injury. (Added 1988 Codification)

6.04.140 Removal of Animal Waste. Any person who shall permit an animal to be on public or private property, other than the property of the owner, shall provide for the disposal of the solid waste excreted by the animal by immediate removal of the waste. Immediate removal shall mean that the pet solid waste is removed at once, without delay. A person in violation of this section shall be guilty of a misdemeanor; in addition, a violation is a municipal infraction punishable by a civil penalty not to exceed \$500. Failure to comply with the police officer's request to dispose of the solid waste immediately is a municipal infraction punishable by a civil penalty no to exceed \$500 dollars. (Ord. 8-02, Ord. 6-09)