

ORDINANCE #589

AN ORDINANCE AMENDING THE GRIMES CODE OF ORDINANCE CHAPTER 55, PROTECTION AND CONTROL.

BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF GRIMES, IOWA

SECTION 1. Purpose. The purpose of this Ordinance is to amend the Grimes Code of Ordinance Chapter 55 to add more definitions and requirements for the care of animals.

SECTION 2. Amendment. This chapter shall read as follows

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

- 55.01 Definitions
- 55.02 Animal Neglect
- 55.03 Livestock Neglect
- 55.04 Abandonment of ~~Dogs~~
and ~~Cats~~ **an Animal**
- 55.05 Livestock
- 55.06 At Large Prohibited
- 55.07 Pets Running at large
- 55.08 Damage or Interference
- 55.09 Annoyance or Disturbance
- 55.10 Release of Animals
- 55.11 ~~Control of Animals~~ **Animals in Food Handling Establishments**
- 55.12 ~~Interference with City Employees Prohibited~~ **Number of Animals Limited.**
- 55.13 ~~Immunization of Cats~~ **Control of Animals**
- 55.14 ~~Owners Duty~~ **Interference with City Employees Prohibited**
- 55.15 ~~Confinement~~ **Immunization of Cats**
- 55.16 ~~At Large: Impoundment~~ **Owners Duty**
- 55.17 ~~Disposition of Animals~~ **Confinement**
- 55.18 ~~Violation – Municipal Infraction~~ **At-Large Impoundment**
- 55.19 ~~Animal Waste~~ **Disposition of Animals**
- 55.20 **Pet Awards Prohibited**
- 55.21 **Animal Waste**
- 55.22 **Contract with Society or Association**
- 55.23 **Violation – Municipal Infraction**

~~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. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, porcupine species, farm deer, ostriches, rheas, emus, or poultry.~~
- ~~4. "Owner" means any person owning, keeping, sheltering or harboring an animal.~~
- ~~5. "Pet" means a living dog, cat or animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, ferret, tropical fish, snake, turtle, gecko or iguana.~~

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

55.01 DEFINITIONS.

The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

2. "Animal" means a nonhuman vertebrate.

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

3. "Animal abuse or neglect" shall be defined by the *Code of Iowa*, Section 717B.2 and 717B.3.

4. "At large" means running or found within the City upon any street, alley, sidewalk, public, or private grounds. An animal, properly licensed as required by law, shall not be deemed at large if any of the following is true:

A. It is on the premises of the owner; or

B. It is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than six feet in length, or properly restrained within a motor vehicle; or

C. It is properly housed in a veterinary hospital or registered kennel; or

D. It is accompanied by or at heel beside and obedient to the commands of the owner or a person capable of controlling the animal.

Notwithstanding any other provision of this chapter, any animal shall be deemed at large at any time when attacking persons or domestic animals, destroying property or when on a public school ground, except when under restraint as set out in paragraphs B and D of this subsection. Further, any female dog in heat shall be deemed at large at any time when not under restraint as set out in paragraphs A and C of this subsection.

5. “Business” means any enterprise relating to any of the following:

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

6. “Cat” means and includes all members of the *Felis Domestica* species, male or female, whether altered or not.

7. “Dog” means and includes both male and female animals of the *Canine* species, including spayed or neutered dogs.

8. “Fair” means any of the following:

A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

9. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.

10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.

(Code of Iowa, Sec. 717.1)

11. “Livestock abuse or neglect” shall be defined by the *Code of Iowa*, Section 717.1A and 717.2.

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

13. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

14. “Responsible party” means a person who owns or maintains or is responsible for the care of the animal.

15. “Society” means any incorporated society or association organized for the express purpose of prevention of cruelty to animals.

16. “Vaccinated” means an animal vaccinated by a licensed veterinarian against rabies, or it means that satisfactory proof is furnished to establish such prior vaccination of the animal within eighteen months prior to the impounding or licensing of the animal if the vaccination was by modified live virus vaccine of egg embryo origin, or within six months if the vaccination was by killed tissue vaccine.

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)~~

55.04 ABANDONMENT OF AN ANIMAL.

A person who has ownership or is the responsible party caring for an animal shall not abandon the 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 as defined in Section 162.2 of the *Code of Iowa*.

(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 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 PETS RUNNING AT LARGE. It is unlawful for any owner of a pet to allow or permit such pet to do any of the following while at large:

1. Defecate on property other than that of the owner. Owner of the pet shall be responsible for the proper and immediate disposal of the solid waste excreted by that animal on any property other than that of the owner.
2. Deface, scratch, or mar any personal property of another.
3. Cause injury to any person or animal.
4. Hiss, meow, bark or fight at such times or in such places as to disturb the peace and quiet of others.

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 RELEASE OF ANIMALS. No person shall aid or cause an 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.

55.11 ANIMALS IN FOOD HANDLING ESTABLISHMENTS.

No person shall take or permit to remain any dog, cat, or any live animal within any premises where food is sold, offered for sale, or processed for consumption by the general public. Fish in tanks and dogs serving persons who are blind or who have other medically and physically limiting disabilities are exempt from this prohibition.

55.12 NUMBER OF ANIMALS LIMITED.

No family or occupants of the same address shall own, harbor or keep more than three adult dogs and three adult cats per household on any residentially zoned lot except that a litter of puppies or kittens or a portion of the litter may be kept on the property not more than 12 weeks from birth. All dogs licensed as of April 26, 2011 are exempt from this section. Under no circumstances shall an owner with more animals under this exemption be permitted to acquire any additional animals until such acquisition can be accomplished within the requirements of this chapter.

55.13 CONTROL OF ANIMALS. It is the duty of every person owning or having the custody or control of an animal to physically restrain the animal 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.

55.14 INTERFERENCE WITH CITY EMPLOYEES PROHIBITED. It is prohibited for any person in any manner to interfere with any employee or designated representative of the City so as to hinder, delay or prevent said employee or representative from executing duties pursuant to this chapter.

55.15 IMMUNIZATION OF CATS. Any owner of a cat shall have such cat vaccinated for rabies by the time the cat reaches the age of six months and the owner shall have in his or her possession a certificate signed by a veterinarian describing the cat and certifying that the cat has been so vaccinated.

55.16 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)

55.17 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)

55.18 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. The owner shall pay all impoundment fees.

55.19 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two (2) 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 (7) days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

55.20 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

A. A prize for participating in a game.

B. A prize for participating in a fair.

C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.21 ANIMAL WASTE.

1. Disposal and removal of animal waste shall be in compliance with Chapter 105, Solid Waste Control.
2. On any public property (including right-of-way or any private property neither owner nor occupied by the subject person):
 - a. It shall be the duty of each person who owns, possesses or controls an animal to immediately remove and dispose of any solid waste left by the animal.
 - b. Disposal shall be accomplished as currently required by the Metro Waste Authority, in a landfill.
3. Exemptions to this section:
 - a. A handicapped person with an animal who is physically unable to comply and-or whose trained animal is trained for the purpose of assisting handicapped persons.
 - b. A peace officer when using a horse or dog for police purposes.

55.22 CONTRACT WITH SOCIETY OR ASSOCIATION.

The City may contract with any incorporated society or association for the following:

1. The prevention of cruelty to animals;
2. The collection and protection of dogs;
3. The maintenance of a shelter or pound for unlicensed or untagged dogs, and for lost, strayed or homeless dogs;
4. The destruction or other disposition of seized dogs not redeemed as provided by law or ordinance;
5. The disposal of dead animals;

6. Assistance in the collection of licenses upon dogs.

The City shall incorporate in the contract the manner in which the work shall be done and in which payments are to be made by the City thereunder, and it may also direct the disposition of all dogs seized, as provided by law, and provide for the costs of care or disposition as provided in this chapter.

55.23 VIOLATION – MUNICIPAL INFRACTION. A violation of this chapter shall be considered a municipal infraction under Chapter 4 of this Code of Ordinances.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of these ordinances are hereby repealed.

SECTION 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed/failed by the City Council on this _____ day of _____ and approved on this _____ day of _____, 2011.

Thomas M. Armstrong,
Mayor

Rochelle Williams, City Clerk