

TITLE II - COMMUNITY PROTECTION

DIVISION 2 - ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 85
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85.01 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 all living creatures not human.
2. "At Large" means any animal found off the premises of the animal's owner and not under 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.
4. "Licensed Dog" means any dog bearing a currently valid license under Chapter 351, Code of Iowa and this Code of Ordinances.
5. "Vicious Animal" means any animal that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal,
 - (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or
 - (b) did bite or claw once causing injuries above the shoulders of a person; or
 - (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or
 - (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

(Added by Ordinance No. 159a)

85.02 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 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)

85.03 ABANDONMENT. A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver that 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)

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.

(Code of Iowa, Sec. 717.3)

85.05 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal or 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)

85.06 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city.

85.07 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine, and sheep which tend to disrupt the peace and good order of the community.

85.08 DAMAGE ON 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 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.

85.10 VICIOUS ANIMALS. It shall be unlawful for any person to harbor or keep a vicious animal within the City. An animal is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons or domestic animals without provocation, as evidenced by its habitual or repeated chasing, snapping or

barking at persons or domestic animals so as to potentially cause injury to or to otherwise endanger their safety; or any animal that manifests a disposition to snap or bite.

(Amended by Ordinance 159a)

85.11 OWNER'S DUTY. It shall be 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 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)

85.12 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)

85.13 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.

85.14 DISPOSITION OF ANIMALS. When an animal has been seized and impounded, written notice shall be given in not less than two days to the owner, if known. Seized licensed dogs will be held by the City for one day and may be recovered by the owner upon payment of a \$25.00 impoundment fee. All licensed dogs not recovered within one day, unlicensed dogs and other animals shall be impounded at the Marshalltown Animal Rescue League and may be recovered by the owner upon payment of impounding costs established by said impoundment facility. If the owner does not redeem the animal within seven (7) days of the date of notice, or if the owner cannot be located 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) (Amended by Ordinance No. 140)
