

## CHAPTER 55

### ANIMAL PROTECTION AND CONTROL

<b>55.01 Definitions</b>	<b>55.15 Operation of Ordinance from the General Fund</b>
<b>55.02 Dogs and Cats to be Restrained</b>	<b>55.16 Pound of Shelter and Collector</b>
<b>55.03 Apprehension and Impounding</b>	<b>55.17 Notice to Owner of Licensed Animal</b>
<b>55.04 Disposition of Impounded Dogs &amp; Cats</b>	<b>55.18 Dogs Disturbing the Peace</b>
<b>55.05 Redemption of Impounded Dogs &amp; Cats</b>	<b>55.19 Disposition of Dead Dogs and Cats</b>
<b>55.06 Licensing of Dogs and Cats</b>	<b>55.20 Animal Neglect</b>
<b>55.07 Exception to License Requirements</b>	<b>55.21 Abandonment of Cats and Dogs</b>
<b>55.08 Applications for License</b>	<b>55.22 Animal Enclosures, Pens or Hutches</b>
<b>55.09 Delinquent Fee List</b>	<b>55.23 Offenses</b>
<b>55.10 Public Hearing-Delinquent Fee List</b>	<b>55.24 Violation of Ordinance</b>
<b>55.11 Display of License Tag</b>	<b>55.25 Requirement When Animal has Bitten a Person</b>
<b>55.12 Duplicate License Tag</b>	<b>55.26 Report of Person Whose Animal Has Been Bitten</b>
<b>55.13 Non-Transfer of License or License Tag</b>	<b>55.27 Quarantine For A Minimum Period of 14 Days</b>
<b>55.15 Operation of Ordinance from the General Fund</b>	<b>55.28 Keeping of Dangerous Animals Prohibited</b>
	<b>55.29 Seizure, Impoundment, &amp; Disposition of Dangerous or Vicious Animals</b>

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

1. “Dog” shall mean any member of the canine species, whether male, female, or altered.
2. “Cat” shall mean any member of the feline species, whether male, female, or altered.
3. “Household Pets and Hobby Animals” shall mean animals 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.
4. “Birds” shall mean parakeets, pigeons, birds of prey, pheasants, quail or other similar birds that are kept as pets for hobby purposes. Chickens, geese, and ducks are considered “farm animals” and may not be kept as household pets.
5. “Fish and Amphibians” shall include frogs, toads, and aquatic animals that are kept as pets or for hobby purposes.
6. “Mammals” shall mean rabbits, ferrets, mongoose and mink that are kept as pets or for hobby purposes.
7. “Reptiles” shall mean non-constrictor and non-venomous snakes, lizards, geckos, salamanders, chameleons, or iguanas less than thirty inches (30”) in length, and similar reptiles that are kept as pets or for hobby purposes.
8. “Owner” shall mean any person, association, or corporation which owns, harbors, shelters, or keeps a dog or cat.
9. “Running at Large” shall mean off the premises of the owner, or upon premises of someone other than the owner or upon the public streets, sidewalks, alleys, public grounds, school grounds or parks within the city. Any animal shall not be deemed at

large if:

- A. The animal is on the premises of the owner or premises of a person given charge of the animal by the owner and is either:
    - i. Accompanied by and obedient to the commands of the owner or the person given such charge, or
    - ii. Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint of sufficient strength to restrain the animal and does not allow the animal to go beyond the real property line of the owner or person in charge.
10. "Leash" or "leashed" means on a cord or chain or other similar restraint of sufficient strength to restrain the animal and at all times in control of a person competent to restrain or control said animal.
- A. "Vicious animal" shall be defined as:
    - B. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is behaving peacefully and lawfully.
    - C. An attack which results in property damage or in an injury to a person when such a person is behaving peacefully and lawfully.
    - D. An attack on another domestic animal, livestock, or poultry other than that of the owner of the attacking dog.
11. "Vicious or dangerous animal" shall be defined as:
- A. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is behaving peacefully and lawfully.
  - B. An attack which results in property damage or in an injury to a person when such a person is behaving peacefully and lawfully.
  - C. An attack on another domestic animal, livestock, or poultry other than that of the owner of the attacking dog.
  - D. Any behavior which constitutes a threat of bodily harm to a person when such person is behaving peacefully and lawfully.

**55.02 DOGS AND CATS TO BE RESTRAINED.** It shall be unlawful for any dog or cat to run at large within the corporate limits of the City of Marengo, Iowa.

**55.03 APPREHENSION AND IMPOUNDING.** It shall be the duty of police officers of this City, and lawful for any other person, to apprehend any dog or cat found running at large

within the corporate limits of this City. All dogs and cats so apprehended shall be delivered promptly to the City shelter or pound and where such dog or cat bears identification as to its owner, a good faith effort shall be made by the Police Department to notify the owner within twenty-four (24) hours.

This ordinance shall not be construed to restrict the right of any person under Iowa Code §§351.25 and 351.27 to kill any dog or cat when such dog or cat is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog or cat is attacking or attempting to bite a person.

**55.04 DISPOSITION OF IMPOUNDED ANIMALS.** The following disposition shall apply to all animals except for such animals are either vicious or dangerous.

1. An impounded animal shall be kept a minimum of three (3) business days (Monday through Friday except holidays) and thereafter may be adopted or humanely destroyed.
2. If the owner had no reclaimed or redeemed the animal within said three-day period, the animal thereafter may be adopted or disposed of in accordance with law. If the animal is destroyed, it must be destroyed by euthanasia. (Code of Iowa, Sec. 351.37{1}).

**55.05 REDEMPTION OF IMPOUNDED DOGS AND CATS.** Except in such cases where the dog or cat is determined to be vicious or dangerous, any owner may redeem a dog or cat by immediately having it vaccinated and by purchasing current license tags and by paying the fine and costs imposed by this ordinance. No dog or cat shall be redeemed which has not been licensed as herein provided.

**55.06 LICENSING OF DOGS AND CATS.** The owners of all cats and all dogs within the corporate limits of this City except dogs and cats under the age of six (6) months and guide dogs for blind persons are hereby required to obtain a dog or cat license annually and the cost of said license is \$5.00 set by Resolution #10-18 of the City Council.

The license fee herein provided shall be paid on or before January 1st of every year. A penalty for failure to license an animal by January 1st shall result in an additional \$5.00 penalty for the months of April through October. Tags provided in the months of November and December shall be valid for the following year.

The City Clerk of the City shall each year provide numbered metal tags which shall be issued to the owner upon payment of the license fee herein provided; said Clerk shall maintain a record of all tags issued the owner of the dog or cat, the owner's address and the license tag number. The license tag issued by the City Clerk shall be securely fastened to the collar or harness of the dog or cat for which issued and the collar or harness securely fastened to the dog or cat when outside of its normal place of confinement. All dogs and cats kept outside on a chain must have a collar or harness with license tag displayed at all times.

**55.07 EXCEPTION TO LICENSE REQUIREMENTS.** The requirements for licensing dogs and cats shall not apply to such animals if one or more of the following situations apply:

1. In transit through the City only.
2. First thirty (30) days of residency by owner.
3. Housed in veterinary hospital
4. Housed temporarily in an animal grooming shop.
5. Housed in an establishment licensed kennel.
6. Housed in an accredited institution for research purposed only.
7. Animal sitting for a period of fourteen (14) days or less with prior notification to City Hall.
8. Animal housed in a temporary foster home until it can be adopted.

**55.08 APPLICATIONS FOR LICENSE.** Except as provided herein for animals six months of age or younger, the owner of a dog or cat, for which a license is required, shall on the first day of November of the preceding year and prior to the first day of January of each year apply to the City Clerk for a license for each dog or cat owned by him or her. Applications made on or after January 1 of that year shall be delinquent. An application for an annual license for a dog or cat, which is under the age of six (6) months on January 1 of any year, shall be delinquent if made on or after the first day of the sixth month after such dog or cat reaches the age of six (6) months. Applications for licenses shall be in writing on forms provided by the City Clerk, and shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, the address at which the owner regularly keeps, shelters or harbors the dog or cat, and the name and address of the owner, and be signed by the owner. Such application shall also state the date of the most recent rabies vaccination; the type of vaccine administered and the date the dog or cat shall be revaccinated.

Such application shall be accompanied by a certificate of vaccination issued by a licensed veterinarian showing that the dog or cat described in the application has been vaccinated against rabies

**55.09 DELINQUENT FEE LIST.** The City Clerk may, in the Clerk's discretion or at the request of the City Council, prepare and submit to the Council a delinquent fee list, which shall show the following:

1. The name and residence address of each person within the City who is the owner of a dog or cat which is not licensed in accordance with the provisions of this Chapter for the current year and the amount of fees, including delinquency fees, due from such owner.
2. The name and residence address of each person within the City who licensed a dog or

cat in accordance with the provisions of this Chapter in the previous year which is not licensed in accordance with the provisions of this Chapter for the current year and the amount of fees, including delinquency fees, due from such owner.

The foregoing list shall not include the owner of any dog or cat who, upon the death, transfer of ownership or disappearance for more than sixty (60) days of said animal, within the ten (10) days of such event, notifies the City Clerk of such event and surrenders the license and license tag, if available, issued to the owner.

- 55.10 PUBLIC HEARING – DELINQUENT FEE LIST.** Upon submission of the delinquent fee list to the Council, the Council may by resolution fix a date, time and place for a public hearing thereon. The Clerk shall mail a written notice of such public hearing to the owner of each dog or cat which appears on such list by ordinary mail at least ten (10) days prior to the date fixed for such public hearing. The notice shall state the date, time and place of such public hearing and shall advise the owner of each dog or cat which appears on the list that he or she may appear at such hearing and show cause why the delinquent fees shown thereon for each such dog or cat should not be paid. After such public hearing, the Council shall enforce such fees by any legal means permitted under this Code or release obligation for payment of fees if sufficient cause is shown for nonpayment.
- 55.11 DISPLAY OF LICENSE TAG.** Upon issuance of the license tag, the owner of the dog or cat shall cause the license tag to be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license tag is issued when outside of its normal place of confinement or outside on a chain.
- 55.12 DUPLICATE TAG LICENSE.** Upon proof by the owner of the dog or cat that a license tag issued to such dog or cat in accordance with the provision of this Chapter has been lost or destroyed, the City Clerk shall issue a duplicate tag to the owner of such dog or cat. Such duplicate license tag shall be securely fastened to the collar or harness of such dog or cat in accordance with the provisions of this Chapter. A duplicate license tag fee of one (1) dollar shall be charged for all duplicate tags.
- 55.13 NON-TRANSFER OF LICENSE OR LICENSE TAG.** No license or license tag issued in accordance with the provisions of this Chapter shall be transferred to any other person, dog, or cat.
- 55.14 EXPIRATION OF LICENSE AND LICENSE TAG.** All licenses and license tags issued in accordance with the provision of this Chapter shall expire on January 1 of the year following the year for which they were issued.
- 55.15 OPERATION OF ORDINANCE FROM THE GENERAL FUND.** All tags, record books and other expenses provided by this ordinance shall be furnished by the City Clerk and paid for from the general fund and all license fees and redemption fees received shall be paid into the general fund of this City.
- 55.16 POUND OR SHELTER AND COLLECTOR.** The City Council may designate any suitable place as a shelter or pound and pay the necessary expenses of operation and maintenance and the City may require the owner of the dog or cat to pay all expenses of

capture and impoundment.

**55.17 NOTICES TO OWNER OF LICENSED ANIMAL.** The owner of any animal licensed in accordance with the provisions of this Chapter, which has been seized and impounded, shall be notified of such seizure and impounding within twenty-four (24) hours thereof by such person in such manner as the City Council may direct by resolution.

**55.18 DOGS DISTURBING THE PEACE.** It shall be unlawful for the owner of any dog, whether kenneled or not, to permit such dog to disturb the peace of any person by frequent, regular or habitual barking, howling or yelping. If the owner of the dog is not available to contact the Marengo Police Department may post notice on the residence and may impound the dog, if there has been more than two complaints, verified by the Police Department, within the last thirty (30) days in regards to said animal. An owner that has been cited for a dog disturbing the peace more than two (2) times in any given thirty (30) day period may be subject to having their animal impounded by the Marengo Police Department.

**55.19 DISPOSITION OF DEAD DOGS AND CATS.** It shall be the duty of the owner of any dog or cat that has died or has been killed to dispose of the dog or cat in an effective and sanitary method or dispose of the dog or cat by delivery thereof to any duly licensed person engaged in the business of disposing of the bodies of dead animals. Disposal as herein provided shall be performed within twenty-four (24) hours after the death of said dog or cat.

**55.20 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, to fail to supply the animal during confinement with a sufficient quantity of food or water, fails 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.

**55.21 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.

**55.22 ANIMAL ENCLOSURES, PENS OR HUTCHES.** Any enclosure, pen, coup, or hutch in which pets are maintained shall be cleaned at least every other day or oftener if deemed advisable or necessary by a health officer or the Chief of Police. Said enclosures shall be located at a minimum of fifty (50) feet from the neighboring residential dwelling. No animal may be enclosed or fenced in the front yard, or in the public right-of-way. Any kennel that is in except those located in the front yard or in the public right-of-way.

**55.23 OFFENSES.** No owner of any dog, cat or other animals, or person having control or responsibility thereof, shall;

1. Allow or permit such animal to run at large.
2. Allow or permit such animal to defecate on private property without the express

consent of the owner of such property. Fail to pick up and dispose of any feces deposited by such animal on private property without the express consent of the owner thereof.

3. Allow or permit such animal to defecate on public property, including, but not limited to, public property located between curb lines of public streets, parking, adjacent property lines and public property located within parks. Fail to pick up and dispose of the feces deposited by such animal of public property. This shall not apply to participants in authorized parade routes as set forth in Chapter 69.16.
4. Allow or permit animal to pass upon public or private property thereby causing damages to or interference with such property.
5. Allow or permit a dog to cause annoyance or disturbance to any person by frequent and habitual barking, howling or yelping.
6. Allow or permit a dog to run after, chase, or attack any person, vehicle or domesticated animal or place any person in reasonable fear of attack or injury.
7. Keep, shelter, harbor any unlicensed dog, or cat.
8. Keep, shelter or harbor any dog or cat without a license tag attached to its collar or harness when outside of its normal confinement or on a chain as required by this Chapter.
9. Keep, shelter or harbor any dog or cat with an expired license tag attached to its collar or harness.
10. Keep, shelter, harbor any unvaccinated dog, or cat.
11. Keep, shelter or harbor any dog or cat with an expired vaccination tag attached to its collar or harness.
12. Allow or permit animal to destroy or damage property other than the property of the owner of such animal.
13. Abandon any animal within the corporate limits of the City.
14. Keep, Shelter, or harbor any vicious or dangerous animal.

**55.24 VIOLATIONS OF ORDINANCE.** Commission of any act named or defined in this Chapter by a person shall be a misdemeanor, punishable by a scheduled fine as follows:

1. Allow or permit such animal to run at large - \$30.00 first offense, \$100.00 second offense, \$250.00 third offense, \$500.00 fourth offense and for any subsequent offenses thereafter.
2. Allow or permit such animal to defecate on private property without the express consent of the owner of such property. Fail to pick up and dispose of any feces deposited by such

animal on private property without the express consent of the owner thereof - \$30.00.

3. Allow or permit such animal on public property, including, but not limited to, public property located between curb lines of public streets, parking, adjacent property lines and public property located with parks. Fails to pick up and deposit of any feces deposited by such animal on public property - \$30.00.
4. Allow or permit such animal to pass upon public or private property thereby causing damages to or interference with such property - \$200.00.
5. Allow or permit a dog to cause annoyance or disturbance to any person by frequent and habitual barking, howling or yelping - \$30.00.
6. Allow or permit a dog to run after, chase, or attack any person, domesticated animal (while latter is on public property) or vehicle or place any person in reasonable fear of attack or injury - \$200.00.
7. Keep, shelter or harbor any unlicensed dog or cat - \$200.00.
8. Keep, shelter or harbor any dog or cat without a license tag attached to its collar or harness when outside of its normal confinement or on a chain as required by this Chapter - \$30.00.
9. Keep, shelter or harbor any dog or cat with an expired license tag attached to its collar or harness - \$30.00.
10. Keep, shelter or harbor any unvaccinated dog or cat - \$200.00.
11. Keep, shelter or harbor any dog or cat with an expired vaccination tag attached to its collar or harness. \$200.00.
12. Allow or permit such animal to destroy or damage property other than the property of the owner of such animal - \$200.00.
13. Abandon any animal within the corporate limits of the City - \$200.00.
14. Keep, Shelter, or harbor any vicious or dangerous animal - \$7

**55.25 REQUIREMENTS WHEN ANIMAL HAS BITTEN A PERSON.** The owner of an animal shall report at once to the Police Department the fact that his or her animal has bitten or attacked a person or domestic animal, and all persons having knowledge of such fact shall report the same to the Police Department. Any person claiming to have been bitten by an animal must go in person to the Police Department or to a physician to show proof of a bite if deemed necessary by the director of public health. A parent or legal guardian must accompany children claiming to have been bitten by an animal.

**55.26 REPORT OF PERSON WHO'S ANIMAL HAS BEEN BITTEN.** Every person owning or having possession, custody, or control of an animal, which is known to have been bitten, by an animal infected with rabies shall immediately report this fact to the



Police Department and shall have the exposed animal placed in isolation and quarantined as provided by this Code.

**55.27 QUARANTINE FOR A MINIMUM PERIOD OF 10 DAYS.** It shall be the duty of the Chief of Police to order the owner of any animal which has bitten a person or another animal, or any animal suspected of being infected with rabies to confine such animal for a period of ten (10) days at the animal shelter, a veterinary clinic, or a registered kennel.

**55.28 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor any dangerous animal or act as a custodian for such animal, or keep such animal for any purpose or in any capacity within the city except in the following circumstances;

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study;
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of traveling nature, is displayed before large assemblages of people and maintains any and all required federal or state licenses;
3. The keeping of dangerous animals in bona fide, licensed veterinary hospital for treatment;
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources;
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.
6. Animals under the control of a law enforcement or military agency.

**55.29 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS.**

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Police Chief, or his or her designee, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City in violation of this Chapter or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the Police Chief, or his or her designee, shall cause the matter to be

investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal in the City, the Police Chief, or his or her designee, shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal in the City Pound or shelter, or destroy the animal within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Police Chief, or his or her designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal issued by the Police Chief, or his or her designee, may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled for the next regular Council meeting after receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the Police Chief, or his or her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing or any continued session thereof.
5. If the City Council affirms the action of the Police Chief, or his or her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal remove such animal from the City; turn custody of the animal over to the city pound; or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief, or his or her designee, is not appealed or is not complied with within three (3) days of the order of the City Council after appeal has been served, the Police Chief, or his or her designee, is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If, at the end of the impoundment period, the person against whom the decision and order of the Police Chief, or his or her designee, or City Council was issued has not petitioned the Iowa County District Court for a review of said order, the Police Chief, or his or her designee, shall cause the animal to be disposed of by permanently releasing the animal to an authorized animal shelter or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which said fee shall be the actual cost of the feeding and care of the animal.