

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

1. "Abandonment" means an owner's intentional act of abdicating reasonable care or control of an animal in a location where any reasonable person would know the animal has little chance of finding food, potable water, or shelter.
2. "Adequate shelter" means a structurally sound, adequately ventilated, weatherproof structure that is comprised of non-toxic materials and interior floors that minimize injury and discomfort to the animal. The structure must be clean and of a suitable size as to limit overcrowding by properly accommodating the specific animal. The structure must protect the animal from extreme conditions. The animal must be able to lie down fully and rise to its feet, in a natural manner, consistent with the animal's species.
2. "Allow," for the purposes of this ordinance, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.
3. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
4. "Animal at large" means off the premises of the owner and not under control of a competent person.
5. "Basic medical care" means medical care required by the species, including, but not limited to, periodic examinations by a veterinarian, prompt veterinary care when required, age and species appropriate vaccinations, basic grooming, and internal and external parasite control.

6. "Caregiver" means any person who provides food, water, or shelter to or otherwise care for a cat.
7. "Custody" means the possession, control over, and responsibility for an animal by a person who may or may not be the owner.
8. "Disposition" means adoption, foster care, or euthanasia.
9. "Euthanasia" means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medication Association Panel on Euthanasia.
10. "Feral cat" means any wild or untamed cat. A feral cat is not a stray cat.
11. "Feral cat colony" means a group of homeless, wild or untamed cats living or growing together.
12. "Harness" means a properly-fitting apparatus that is not abrasive and that restrains the animal by the body and shoulders without the involvement of the neck.
13. "Intact" means a dog over six months old or a cat over five months old that has not been altered (spayed/neutered).
14. "Live trap" means any device designed to catch and restrict an animal without causing any harm to the animal.
15. "Nuisance" means disturbing the peace by habitually or continually howling, crying, or screaming, or the habitual and significant destruction, desecration, or soiling of property against the wishes of the owner of the property.
16. "Owner" means any person having title to, or an ownership interest in, or custody of, or keeping, maintaining, or possessing one or more animals. "Owner" does not include a feral-cat caretaker participating in the Trap-Neuter-Return Program, as described in Section 55.19.
17. "Potable water" means water that is safe for drinking.
18. "Possession" means custody of an animal.

19. "Rescue Group" is any for-profit or non-profit entity or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in suitable homes when possible and the care and maintenance of feral cat colonies within the city.
20. "Reasonable period" means a period of time not to exceed eight hours in a 24-hour period, or a time that is otherwise approved by the City of Panora.
21. "Stray cat" means any cat that is homeless and is not considered to be feral.
22. "Tethering device" means a chain, rope, or other restraining device which attaches to a dog.
23. "Toy group" means the breeds of dogs grouped under the heading of "toy" by the American Kennel Club

55.02 ANIMAL NEGLECT AND CRUELTY TO ANIMALS PROHIBITED.

1. Physical Abuse. It is unlawful for any person to willfully or maliciously kill, torture, beat, mutilate, or burn any animal. Each offense may constitute a separate violation. A Panora Police Officer may require an examination of the animal by a licensed veterinarian upon suspicion of abuse.
2. Care and Maintenance. It is unlawful for any person having charge, care, custody or control of any animal, as owner or otherwise, to fail to provide adequate food, potable water, basic medical care, and shelter required for the specific species or breed of the animal to maintain proper health and comfort of the animal.
3. Animal Poisoning. It is unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.
4. Killing of Birds. It is unlawful for any person to take or kill any bird(s), or to rob or destroy any nest, egg, or young of any bird in violation of the laws of the state.
6. Malicious Impounding. It is unlawful for any person to maliciously impound the animal of another individual.

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 inure 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 or custody, or the person may deliver the cat or dog to an animal shelter, animal rescue organization, or pound.

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 ANIMAL AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City and to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.07 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.

55.08 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)

55.09 IMPOUNDMENT AUTHORIZED WHEN. A Panora Police Officer shall place all animals which he or she takes into custody in a designated animal impound facility. The following animals may be taken into custody by the officer or designee and impounded without the filing of a complaint:

1. Any animal running at large contrary to the provisions of this Chapter;
2. Any abandoned animal;

3. Animals which are not vaccinated for rabies in accordance with the requirements of this Chapter;
4. Any animal to be held for quarantine;
7. Any animal defined in Sections 55.05 or not confined as required by 55.15 of this Chapter.

55.10 IMPOUNDMENT: HOLDING PERIOD – NOTICE TO OWNER – DISPOSITION OF ANIMALS. Animals shall be impounded for a minimum of three (3) working days before further disposition, except as otherwise provided herein.

Any animal which is impounded and is microchipped, or wearing a current rabies tag and other identification designating the owner of the animal, and where such owner may be contacted, shall be impounded for a minimum of five (5) calendar days before further disposition. Reasonable effort shall be made to notify the owner of any animal microchipped or wearing other identification during that time. Written notice shall be sent within forty-eight (48) hours of impoundment and be deemed given when sent to the last known address of the listed owner.

55.11 IMPOUNDMENT: REDEMPTION CONDITIONS. The owner of any impounded animal, or such owner's authorized representative, may redeem such animal before disposition, provided he or she pays the fees and charges as listed below, according to the amounts in Appendix A of this Chapter:

1. The impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccination;
4. Microchip, if required;
5. A transportation fee, if transportation of an impounded animal by specialized equipment was required;
6. Any other expenses incurred to impound an animal in accordance with State or local laws;
7. Any unpaid or past due Animal Services fees and fines incurred by the owner.

55.12 MICROCHIP REQUIREMENTS.

1. Dogs – Owners are encouraged to have identifying tags on their dog at all times while off premises. At the minimum, the owner’s phone number or address is required. Identifying microchips implanted in their dogs is also acceptable. If owners take such action, they shall be exempt from the requirement that such dogs wear identifying tags at all times while off the premises.
2. Cats – Owners are encouraged to have identifying tags on their cat at all times while off premises. At the minimum, the owner’s phone number or address is required. Identifying microchips implanted in their dogs is also acceptable. If owners take such action, they shall be exempt from the requirement that such cats wear identifying tags at all times while off the premises
3. If an animal is impounded without wearing identification, the owner shall be required to purchase tags or microchip identification before the animal may be released to the owner.

55.13 ANIMALS INJURED BY MOTORISTS - RESPONSE REQUIRED:

1. Every operator of a motor or other self-propelled vehicle upon the streets of the City shall, immediately upon injuring, striking, maiming, or running down any domestic animal, give such aid as can reasonably be rendered. He or she shall immediately notify the City of Panora or the Panora Police Department, furnishing requested facts relative to such injury.
2. It shall be the duty of such operator to comply with the instructions given by the agency contacted, and shall, if instructed, remain at or near the scene until such time as the appropriate authorities arrive.

55.14 TETHERING AND SHELTER FOR DOGS. A person commits an infraction or misdemeanor if the person wantonly or cruelly tethers a dog outside for a period exceeding ten (10) consecutive hours in a 24-hour period or between the hours of 10:00pm and 7:00am, or violates any of the following provisions:

1. While tethered, a dog shall be able to move about freely. The tether shall be a minimum of ten linear feet and have swivels on at least one end. Tow chains shall not be used.
2. While tethered, a dog shall wear a collar, harness, or similar device which fits properly to prevent injury or obstruction of respiration and to which the tether shall be attached. Choke, pinch, prong, or other chain collars shall not be used.

3. An enclosure to confine a dog or dogs shall be a minimum of 50 square feet per dog of the toy group and 70 square feet for all other breeds. The enclosure shall be of sufficient height and construction to provide a safe barrier for the dog or dogs. An enclosure shall contain a shelter as provided for in Section 55.15.04.
4. A dog shall have access to a shelter which shall be large enough for the dog to stand, turn around, and lie down inside without touching the sides or top. A shelter shall be windproof and waterproof and the opening shall be large enough for the dog to enter and exit while standing upright.
5. A tethered dog shall have access to clean and sanitary shelter. The shelter shall be appropriate for the existing weather conditions.

55.15 TETHERING AND SHELTER FOR DOGS: VIOLATIONS.

1. Any person who knowingly violates the provisions of this section shall be guilty of a violation, punishable by a fine of not less than twenty-five dollars (\$25) for a first offense, and a fine of not less than fifty dollars (\$50) for the second offense. Subsequent offenses shall be considered criminal offenses.

Beginning forty-eight (48) hours after a charge of violating this section, each day that a defendant fails to correct the deficiencies in the method used to restrain a dog that he or she owns or that is in his or her custody or control, so as to bring it into compliance with the provisions of this section, shall constitute a separate offense.

2. Nothing in this section shall prevent the seizure of a dog for a violation of this section pursuant to the authority granted in this article.
3. Nothing in this section shall be construed to affect any protections afforded to dogs or other animals under any other provision of this article.

55.16 FERAL CAT COLONY. It is unlawful for any person to maintain a feral cat colony unless the colony is a managed colony in which food, water, and shelter are provided in conjunction with the implementation of the Trap-Neuter-Return (TNR) Program as set forth in section 55.19 of this Chapter.

55.17 MANAGED FERAL CATS. The animal care and control division or its designee in the City of Panora, in order to encourage the stabilization of the feral cat population in the City may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner,

2. Have the cat surgically altered, ear-notched (if feral), and vaccinated against rabies, and
3. Give a written report annually to the Panora City Council on the following:
 - (a). Number of colonies and location within the city limits
 - (b). Total number of cats in colonies
 - (c). Number of cats and kittens spayed and neutered pursuant to the TNR program
 - (d). Number of cats and kittens placed in permanent homes

55.18 MAINTAINING A FERAL CAT COLONY. Feral cat colony caregivers shall:

1. Take responsibility for feeding and watering the cat colony regularly throughout the year, while ensuring that the food storage area(s) are secure from insect, rodent, and other vermin attraction and harborage.
2. Work to sterilize, vaccinate and ear-notch all adult cats that can be captured. Implanting a microchip is recommended; and
3. Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven (7) days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance.
4. Provide contact information in the event that complaints are received by the City of Panora concerning management of the colony.
5. Register the Feral Cat Colony with the City of Panora.
6. Obtain written permission of the owner of any property, to which the Caregiver requires access to provide colony care.
7. In the event kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
8. Obtaining proper medical attention to any colony cat that appears to need it.

55.19 ORDINANCE ENFORCEMENT The city of Panora shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.

2. The right to seize or remove cats from a colony that is creating a nuisance as defined above and the Caregiver has been given 48 hours to remove and relocate and has failed to do so.
3. The right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of 55.18 and a replacement/substitute cannot be located within 30 days of notice to the Rescue Group.

55.20 RABIES VACCINATION. Every dog or cat over the age of three (3) months shall be vaccinated for rabies and distemper and the owner thereof shall possess an unexpired certificate in the form required by State law indicating use of a vaccine approved by the State.

55.21 DOG AND CAT CURBING REQUIREMENTS. No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the City without the prior permission of the owner of such property; however, if an animal defecates on property described in this Section, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities. The owner of any animal in violation of this section shall be fined the amount in accordance with the “Animal Nuisance” fees listed in Appendix A of this Chapter.

APPENDIX A

FEEES

Fees for second, third, and subsequent violations are for those occurring within a 12-month period. In addition, if the animal does not have any identification, fines are double the amount listed below. If such fine is not paid within thirty (30) days, it shall be increased by \$25 along with a \$7 administrative fee and be filed in the same manner as delinquent utility accounts with the Iowa Setoff Program.

	First Offense	Second Offense	Third Offense	Subsequent Offenses
Impound Fees	\$ 25.00	\$ 50.00	\$75.00	\$25.00
Animal Nuisance	\$ 25.00	\$ 50.00	\$100/Criminal	
Board fees per day for pets	\$ 10.00			

Any funds collected under this Chapter shall only be used by the City of Panora for animal control purposes.

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