

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

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**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.  
*(Code of Iowa, Sec. 717E.1)*
2. "Animal" means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.  
*(Code of Iowa, Sec. 162.2)*
4. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
5. "Business" means any enterprise relating to any of the following:  
*(Code of Iowa, Sec. 717E.1)*
  - 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. "Commercial establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.  
*(Code of Iowa, Sec. 717B.1)*
7. "Emotional support animal (ESA)" is an animal that provides relief to individuals with "psychiatric disability through companionship." Under the Americans

with Disabilities Act, an emotional support animal encompasses animals from all species.

8. "Fair" means any of the following:

*(Code of Iowa, Sec. 717E.1)*

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*.

*(Code of Iowa, Sec. 717E.1)*

10. "Injury" means an animal's disfigurement; the impairment of an animal's health; or an impairment to the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.

*(Code of Iowa, Sec. 717.B1)*

11. "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)*

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.

*(Code of Iowa, Sec. 717E.1)*

14. "Pound" means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

*(Code of Iowa, Sec. 162.2)*

15. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

*(Code of Iowa, Sec. 162.2)*

16. "Service animal" means a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

17. "Veterinarian" means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.  
(*Code of Iowa, Sec. 717.B1*)

### 55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

(*Code of Iowa, Sec. 717B.3*)

- A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
- B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
- C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
- D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
- E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
- F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
- (1) A condition caused by failing to provide for the animal's welfare as described in this section.
  - (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.
2. This section does not apply to any of the following:
- A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:
- (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
  - (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or

registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

**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 that 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.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

*(Code of Iowa, Sec. 717B.8)*

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock or bees within the City except by written consent of the Council.

**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 DESTRUCTION OF ANIMALS AT LARGE.** It is lawful for a peace officer to destroy, if necessary, any animal found at large which cannot be captured.

**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 by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles, or other vehicles.

**55.10 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without

provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

**55.11 SANITATION.** It is the duty of every person owning or having custody or control of an animal to clean up, remove, and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property of another person.

**55.12 NUMBER OF ANIMALS LIMITED.** It is unlawful for an owner to harbor or house on the same premises more than four animals over the age of six months unless such animals are in a licensed kennel or pet shop, veterinary hospital, or animal grooming shop.

**55.13 RABIES VACCINATION.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

*(Code of Iowa, Sec. 351.33)*

**55.14 LEASH CONTROL BY PROCLAMATION.** The Mayor may, by published proclamation, order all animals to be constantly confined or restrained by leash, cord, or chain for a period of time not exceeding 120 days. Any animal not confined during the proclaimed time may be impounded per Sections 55.17 and 55.18. The owner thereof shall be subject to a fine.

**55.15 OWNER'S DUTY.** It is the duty of the owner of any dog, cat, or other animal that 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)*

**55.16 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board 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 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Code of Iowa, Sec. 351.39)*

**55.17 AT LARGE: IMPOUNDMENT.** Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, 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.

**55.18 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. 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 fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

*(Code of Iowa, Sec. 351.37 and 351.41)*

**55.19 LIVESTOCK CONFINEMENT OPERATIONS.** No commercial livestock confinement operations shall be allowed within the City limits. In the event of continued operation after providing notice to cease and desist, a fine may be levied in an amount not to exceed \$100.00 per day for each day the violation continues after receiving notice to cease and desist.

**55.20 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

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 that 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 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
  - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
  - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.

- D. An animal shelter or pound.

**55.22 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**55.23 ENFORCEMENT.** City animal regulations apply to all animals, including service animals and emotional support animals, within the City limits.

**55.24 PENALTY.** Anyone violating the provisions of this chapter are subject to the following fees:

	First Offense	Second Offense	Third Offense	Subsequent Offenses
Impound Fees	\$25.00	\$50.00	\$100.00	\$200.00
Animal Nuisance	\$50.00	\$100.00	\$200.00	Criminal

Fees for second, third, and subsequent violations are for those occurring within a 12-month period.

**55.25 TRAPS AND TRAPPING.** No person shall trap or attempt to trap any animal on City public property except authorized personnel in the performance of their duties. Further, no person shall trap or allow the trapping of animals within the City corporate limits except on property zoned agricultural, and notice of intent to trap any of said areas must be annually filed in writing in advance with the City Administrator by the owner and/or the trapper with the traps and trapping being in strict compliance with the appropriate statutes of the State and Rules and Regulations of the State Department of Natural Resources. However, the City Administrator may authorize the use of a trap or snare when it is determined to be in the best interest of public safety. Traps for the control of mice, rats and other vermin when used in an enclosed structure are not prohibited.

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**ORDINANCE NO. 2023-1**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ANIMAL PROTECTION AND CONTROL**

Be It Enacted by the City Council of the City of Murray, Iowa:

**SECTION 1. SECTIONS MODIFIED.** Section 55.05 of the Code of Ordinances of the City of Murray, Iowa, is repealed and the following adopted in lieu thereof:

**55.05 LIVESTOCK.**

1. It is unlawful for a person to keep livestock or bees within the City limits except by written consent of the Council, with the exception of chickens. The provisions of this section do not apply to any land specified as Agricultural Land by the Clarke County Assessor.
2. An owner may keep no more than 20 chickens per household, and no roosters. The owner shall keep the chickens in a pen or chicken coop on the back side of the premises at a distance of twenty (20) feet away from back and side property lines. A fenced-in yard does not satisfy the requirement of a pen or chicken coop. Any household with chickens must clean pens and coops on a weekly basis so that they do not become a nuisance to surrounding homeowners.

**SECTION 2. 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 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 5th day of May, 2023, and approved this 5th day of May, 2023.

Juanita Cruz  
Mayor

ATTEST:

Dorise Arnold  
City Clerk

First Reading: 5-3-23

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
City Clerk