

CHAPTER 55

ANIMAL CONTROL AND WELFARE

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55.01 PURPOSE. This chapter provides for the supervision of domestic and exotic animals so they may live in harmony with people and the environment. These provisions stress the need for responsible animal ownership in order to prevent any violation of property rights and to protect the lives and well-being of people and domestic and exotic animals.

55.02 DEFINITIONS. For use in this chapter, the following terms or words are interpreted or defined:

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 Control Officer” (ACO) means the individual appointed by the Board of Supervisors to enforce this chapter.
4. “Animal hoarding” means:
 - A. The collection, housing, or harboring of animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept; or
 - B. The collection of dead animals that are not properly disposed of; or
 - C. The collection of animals with failure to provide them with minimal standards of care, including (but not limited to) nutrition, sanitation, shelter or housing, and veterinary care.
5. “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)
6. “Appeal Board” means the County Board of Health.
7. “At large” means off the property of the owner and not under the control of the owner, keeper, or other person acting for the owner.
8. “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.
9. “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. 717.B1)

10. “Companion cat” means any cat that resides in or about the owner’s house.
11. “Control” is established when an animal is secured by a leash or lead, confined in a fenced area, or is restrained in a vehicle, or is obedient to a responsible person’s commands within a reasonable distance from that person, and such person has in his or her possession a leash or lead appropriate to control such animal.
12. “Cruelty” means knowingly, recklessly, or with negligence, causing deprivation of necessary sustenance. Such term also includes but is not limited to beating, punching, kicking, or housing animals in conditions that result in chronic or repeated physical harm; or overall mistreatment of an animal causing it unnecessary or unjustifiable pain, suffering, or death.
13. “Dangerous animal” means: (i) any animal that constitutes a physical threat to human beings or other domestic animal by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause bodily harm; and (ii) an animal trained, owned, or harbored for the purpose, primarily or in part, of animal fighting. An animal is not deemed dangerous if it bites, attacks, or menaces:

- A. Anyone assaulting the animal’s owner;
- B. A trespasser on the property of the owner;
- C. Any person or other animal who has tormented or abused it.

An animal is not deemed dangerous if: (i) it is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; (ii) it is protecting its young or other animal; or (iii) it is an animal assisting a peace officer engaged in law enforcement duties.

14. “Disturbance” means any of the following acts by an animal:
- A. Chasing, maiming, or killing domestic animals, livestock, fowl, or humans;
 - B. Damaging or destroying personal property;
 - C. Attacking, biting, or attempting to attack or bite a person when such person is conducting himself or herself lawfully;
 - D. Molesting or chasing pedestrians or passing vehicles;
 - E. Fighting with another domestic animal; including when other animal is confined or leashed on its owner’s property;
 - F. Unintentional breeding due to one or both animals being at large.

15. “Dog bite” or “attack” or “bite incident” means any contact with an animal’s mouth and a human that leaves visible evidence of trauma or bodily injury, such as a wound, hemorrhage, bruising, swelling, etc., and which may be associated with pain or discomfort. Any dog or cat bite that draws blood (by scratching or biting) shall be subject to a bite report taken by the Animal Control Department. Bites shall be categorized in one of three ways: (i) incited or provoked; (ii) unprovoked or vicious attack; or (iii) accidental.

16. “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.

17. “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)

18. “Good animal husbandry” means the care or destruction of an animal according to accepted practices and procedures of a profession, occupation, or business which routinely cares for or destroys animals, as defined in Section 169.3 of the *Code of Iowa*.

19. “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)

20. “Livestock” means a domesticated or exotic animal which is raised to produce material products, directly or indirectly, or an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer, as defined in Section 481A.1 of the *Code of Iowa*; ostriches, rheas, emus, poultry, or llamas.

(Code of Iowa, Sec. 717.1)

21. “Neglected condition” means a condition where an owner fails to provide for animal health or safety, including (but not limited to) failure to provide adequate food, water, shelter, exercise, ventilation or necessary veterinary care to an animal, or to adequately confine an animal in a manner appropriate to its species, breed, age, and condition (which may be decided by the ACO and verified by a licensed veterinarian).

22. “Nuisance” means any of the following acts by an animal:

A. Trespassing on or soiling public property or private property not belonging to the animal’s owner.

B. Prolonged or incessant howling, whining, barking, or making of other sounds common to its species.

C. Causes dangerous conditions.

23. “Owner” means any person who owns, harbors, keeps, maintains, or shelters an animal. Where the animal is kept by a family, the head of household shall be responsible for the requirements of this chapter. Owner includes any person who

knowingly permits a domestic animal to remain on or about the premises occupied by that person for a period of seven or more consecutive days.

24. “Person” means any individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust partnership or association, or any other legal entity.

25. “Pet” means a domesticated or exotic animal which is raised or kept to provide a person companionship, or which is trained to provide a service.

26. “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)

27. “Private kennel” means any person, excluding any State-licensed kennel, pet shop, veterinary clinic, or any federally licensed kennel which keeps or harbors more than five dogs or cats over six months of age. In the case of someone who wishes to breed dogs or cats, and has over five of any species over six months of age, a State or federal license is required.

28. “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)

29. “Suffering condition” means any condition or situation in which the animal is in imminent danger (which may be decided by the ACO and verified by a licensed veterinarian).

30. “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)

55.03 PROHIBITED ACTS.

1. It is the duty of the animal owner to keep his or her animal under control at all times. It is unlawful for an animal to run at large. All pets must be on a leash. It is unlawful for an owner to allow his or her animal to cause a disturbance or nuisance. Violations of this section may be charged as a civil infraction or criminal violation.

2. It is unlawful for any person to open any gate, bar, door, fence, partition, human trap, or any portion of a kennel or animal shelter with the intent to allow an animal to escape without having the right to do so.

3. No person shall interfere with, knowingly resist or obstruct any Animal Control Officer in the performance of said officer’s lawful duty or authority.

4. No person shall knowingly expose any poisoned meat or other poisoned substance on public or private property where the same may be taken by any human being or animal. Nothing in this subsection shall prohibit the poisoning of rodent pests.

5. No person shall commit acts of cruelty.
6. No person shall leave an animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of the animal. The following persons may use reasonable means, including reasonable force (e.g., breaking a vehicle window or using a locksmith) to remove an animal from a vehicle when there is a violation of this section:
 - A. Animal Control Officer
 - B. Peace Officer
 - C. Member of a fire or rescue squad.

The person rescuing the animal shall notify the Animal Control Officer, who may take the animal to a veterinarian for treatment, if necessary. The cost of such treatment is the responsibility of the owner or the person responsible for leaving the animal unattended.

7. It is unlawful for any person to abandon an animal on public or private property.

55.04 PENALTIES.

1. It is a simple misdemeanor for a person to do an act forbidden or to fail to perform an act required by this chapter. The penalties for a simple misdemeanor are as set out in Section 903.1(a) of the *Code of Iowa*. Each act or omission in violation of this chapter shall constitute a separate offense. Each day that such violation continues to exist shall constitute a separate offense. In addition to any other penalties allowed by law, the court, as part of any sentence, may do a combination of any of the following:
 - A. Prohibit the offender from owning, possessing, or having on the offender's premises any animal during the term of the sentence.
 - B. Order that the animal be surrendered to the County animal control facility.
 - C. Order the offender to obtain a mental health evaluation and follow through with any recommended treatment.
2. The owners of animals impounded shall be responsible for all incurred costs and fines upon claiming said animal, including impound and board fees.
3. Animals found in violation of this chapter and impounded are subject to a schedule violation fee adopted by resolution of the Board of Supervisors. For animals impounded two or more times within a calendar year, the impound fees will be doubled.
4. Violations are subject to a schedule citation fee adopted by a resolution of the Board of Supervisors. Animals or owners cited more than two times within a calendar year are subject to charges being filed.
5. All animals that are at large, or not in control, or causing a nuisance or disturbance off of their owner's property are subject to impoundment at the County Animal Shelter and will be held for seven days for the owner to reclaim. After the seven-day holding period, the dog or cat becomes the property of Story County.
6. An animal against whom multiple complaints for running at large or causing a disturbance have been made may be subject to restraint on the property of the owner by demand of the Animal Control Officer. Failure to comply with such an order of restraint shall be a simple misdemeanor or civil infraction.

7. It is a simple misdemeanor for an owner to violate any of the conditions of quarantine as prescribed by the local Board of Health or the Iowa Department of Agriculture.

55.05 SHELTER FEES AND PROCEDURES.

1. An animal shall be put up for adoption after the initial seven-day claim period. The length of the adoption period shall be determined by the Animal Control Officer.
2. Shelter fees shall be adopted by resolution of the Board of Supervisors.
3. The ACO may euthanize any animal for which no reasonable veterinary care would prove practical to sustain said animal or when the animal is believed to have been exposed to a disease infectious to either humans or animals, or is deemed feral or vicious by the ACO, or is not adoptable as a domestic pet.

55.06 RABIES CONTROL.

1. Dogs and companion cats over the age of four months must have a valid rabies vaccination.
2. Any dog or cat that bites a person or other animal is subject to a rabies quarantine of up to 10 days and the owner shall be responsible for paying the costs associated with that quarantine.
3. Exotic animals, for which there is no legal rabies vaccine, and domestic animals that do not have current rabies vaccinations and which are known to have bitten a human or are suspected of being infected with rabies may be promptly and humanely euthanized and examined for rabies, or impounded at a vet clinic or animal shelter for a 10-day quarantine period, with costs incurred by the owner.
4. It is the duty of the owner of any dog, cat, or other animal that has bitten a person (or any person having knowledge of such a bite or attack) to report the incident to the Story County Animal Control Department.

55.07 BITING AND ATTACKING OTHER ANIMALS OR HUMANS.

1. An animal involved in a bite incident with domestic animals or livestock or humans may be considered a dangerous animal.
2. Failure of the owner of an animal to control such animal and thus enable it to bite a person may be subject to a simple misdemeanor.
3. Any animal that bites or inflicts an injury upon a person or domestic animal or livestock is subject to impoundment for a rabies observation quarantine.
4. An animal involved in a bite incident with a person or domestic animal or livestock may be defined as a dangerous animal.
5. The owner of an animal declared dangerous may appeal within five working days of notification of the dangerous animal classification. The appeal must be made, in writing, to the Animal Control Department and a hearing will be arranged. Until a decision is made, the animal must be housed and cared for by conditions set out for owning a dangerous animal.

55.08 CONTROL OF A DANGEROUS ANIMAL.

1. If the ACO or peace officer believes an animal has been involved in a disturbance or bite incident, or poses a risk or threat of harm to any person or domestic animal, said officer may then impound the animal. If the enforcement officer determines that the animal cannot be safely captured, the animal may be chemically restrained. Story County will not be held responsible for the death or injury of a believed-dangerous animal due to chemical restraint. As an alternative to impoundment, the ACO may elect to allow the owner to keep the animal at the owner's home if the owner agrees, in writing, that the animal will be secured at all times and the owner agrees to accept any and all responsibility if the animal is involved in another disturbance or bite incident. Failure to keep the animal secured as set out in the written agreement shall be a simple misdemeanor.
2. If the animal is impounded pursuant to Subsection 1, the ACO shall make a reasonable attempt to notify the owner of the animal, if known, of its whereabouts as soon as practical.
3. Once an animal has been impounded pursuant to Subsection 1, the ACO shall investigate to determine whether the animal should be declared a dangerous animal. This determination shall be made within seven working days.
4. The owner of an animal determined to be dangerous shall be given written notice. This notice shall include the reasons for the determination and the necessary provisions that must be met for continued ownership.
5. The ACO may impose any condition reasonably necessary to insure public safety upon release of or for continued ownership of a dangerous animal. These provisions shall be documented in writing and a copy of the provisions shall be signed by the owner agreeing to the provisions. There shall be copies on file of this agreement with the Animal Control Department and the owner.
6. It is unlawful to fail to follow the provisions imposed for release or continued ownership of a dangerous animal. This violation may be charged as a civil infraction or as a criminal offense. In addition, the court may order the animal be surrendered and humanely destroyed.

The owner of an animal declared a dangerous animal, and upheld by a hearing, may appeal that declaration or the provisions imposed by filing a notice, in writing, with the Clerk of Court within five working days of receiving the provisions. The District Associate Court shall hear and determine the matter.

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog in the County. As used in this section, "vicious dog" means:

1. Any animal that has attacked a human being or domestic animal without provocation.
2. Any dog with a history, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals.
3. Any dog that has been trained for dog fighting, animal fighting, or animal baiting or is owned or kept for such purposes at the ACO's discretion.
4. Any animal that causes serious injury to a human being or domestic animal.

5. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the Sheriff's Department, police department, a law enforcement agency of the United States, or branch of the U.S. armed forces.

Any vicious dog that is found in the confines of the County shall either: (i) be kept inside a residence in a secure place and removed by the County within 12 hours; or (ii) be impounded by the County and may be humanely destroyed.

55.10 EXOTIC ANIMALS.

1. All animals that are not domesticated pets or domesticated livestock shall be considered exotic animals. Hybrids of wolf/domestic dog and coyote/domestic dog are exotic animals.

2. No person may own, possess, or have custody of any of the following exotic animals unless that person obtains a license for that purpose from the Animal Control Department. Individuals holding a valid Iowa Collectors Permit from the Iowa Department of Natural Resources and certification by a State or federal regulatory agency that the animal was born and maintained continuously in captivity in accordance with all applicable regulations are exempt from the provisions of this section. The exotic animals regulated by this section are:

- A. Any venomous snake, reptile, scorpion, or insects.
- B. Any snake with a total length of eight feet or more.
- C. Any reptile with a total body length of three feet or more.
- D. Any of the big cat or wildcat species and crosses of one-half or more.
- E. Any bears.
- F. Wolves or coyotes and crosses of one-half or more.
- G. Skunks.
- H. Raccoons.
- I. Foxes.
- J. Weasels.
- K. Mink.
- L. Ferrets.
- M. Wolverines.
- N. Otters.
- O. Wild rodents.
- P. Opossums.
- Q. Beavers.
- R. Badgers.
- S. Nonhuman primates or monkeys.
- T. Other animals, subject to animal control discretion.

3. The license required in Subsection 2 shall be issued annually at the discretion of the ACO upon payment of an accrued fee and inspection of the animal housing facilities by the ACO. The fee shall be adopted by resolution of the Board of Supervisors.

55.11 STANDARDS FOR PRIVATE KENNELS. All private breeding kennels shall be required to obtain a temporary license issued by the ACO until a State or federal license is obtained. Licenses shall be issued annually by the State of Iowa or federal government providing compliance with the following provisions are fulfilled:

1. The primary structure shall be maintained in such a manner that air temperature and ventilation shall be adequate for health and reasonable comfort of the animals housed within.
2. The animals shall have adequate space for exercise necessary to maintain good health. (Space requirements for animals may be subject to changes at the ACO's request, depending on animal species and numbers.)
3. All kennel areas shall be maintained so that the animal waste does not accumulate and cause a health hazard to the animals or an offensive smell.
4. All animals shall be maintained in such a manner that the noise from the kennel shall not be disturbing.
5. All animals shall be maintained with at least a minimum level of care as outlined by Section 55.12.
6. All animals shall meet the requirements of Section 55.06.
7. The ACO shall be given reasonable access for inspection of the private kennel premises regardless of a State or federal license.

55.12 ANIMAL WELFARE AND CARE. All animals shall be maintained with an appropriate level of care. This means the care sufficient to reasonably preserve the physical health and condition of the animals, and except for emergencies or circumstances beyond the reasonable control of the owner and practices of good animal husbandry, includes but is not limited to the following requirements:

1. A quantity of wholesome feed suitable for the animal's species and age, sufficient to maintain reasonable levels of nutrition, shall be provided at intervals of not more than 24 hours or longer if the dietary requirements of the animal require.
2. Reasonable access to an adequate supply of clean, fresh water provided for drinking in amounts suitable for the species on a continuous basis.
3. If the animal is a pet, adequate access to a shelter sufficient to ensure that the pet does not suffer unreasonable distress due to natural elements, including but not limited to wind, rain, snow, sun, cold, or dampness. Pet taxis, steel drums, bushes, etc. do not qualify. A doghouse with adequate space for the dog to be housed in, a shed, or building free of the elements of temperature and weather extremes.
4. If the animal is livestock, there must be access to a natural or constructed barrier sufficient to offer reasonable protection against temperature extremes, wind, rain, or snow. These would include natural windbreaks such as bush or tree lines, large hay bales, pole building, shed, or barn.
5. If the animal is restricted in a confinement area for an extended period, the areas shall be kept clean and free from contaminates, including animal waste, which may threaten

the health of the animal. Enclosures that include fencing must be designed and maintained so as to minimize bruising, injuries, and provide safety for human beings and other animals.

6. Veterinary or farrier care, when necessary, to relieve distress from injury, disease or neglect shall be provided.

7. If the animal is a pet, a confinement area with adequate space for the exercise necessary to preserve the health of the animal and which provides a dry area for the animal to rest. The air temperature or ventilation in the confinement area shall be suitable to preserve the health of a normal animal of the same species.

8. If an animal is fastened by a leash, including a rope or chain, which restricts the movement of the animal, a leash shall be attached to the animal by a well-fitting collar or harness that is fastened to the animal in a manner designed to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food or water.

9. A person who has been caring for or who owns an animal that has died shall not allow the carcass to lie about the person's premises. The carcass shall be disposed of within a reasonable time after death by composting, cooking, burying, or burning, as provided in this chapter, or by disposing of it, within the allowed time, to a person licensed to dispose of it.

In the event that the ACO finds an animal in neglected or suffering conditions, the ACO shall have the right to remove or cause to have removed such animal to a safe place for care, the cost to be borne by the owner, providing a reasonable attempt to notify the owner be made. Return shall not be permitted until the owner shall have made full payment for all expenses so incurred and issues addressed that had the animal confiscated. Said payments shall not be considered in lieu of criminal charges which may be filed.

55.13 OWNERSHIP RESTRICTIONS. No person shall own, possess, or keep more than five mature animals of any species (except chickens, which are regulated independently in Chapter 56) in any one residential property located on a lot with size less than one acre. A mature animal is one that is over the age of six months. The City shall allow for the following exceptions:

1. Persons who owned, possessed, or kept more than five mature animals (except chickens, which are regulated independently in Chapter 56) on their property prior to the adoption of this Code of Ordinances shall be permitted to keep those animals but shall not be allowed to add any additional animals, or replace any animals which have become deceased or are no longer owned by the person, until they fall below the limit of five animals or otherwise receive a permit from the City as identified in Subsection 2 of this section.

2. The City shall provide a permitting process to allow for any one property owner to exceed the maximum limitation of five mature animals on a single residential property of less than one acre. The permitting process is as follows:

A. The person shall file with the City Clerk an application, on the forms provided by the City, which shall at a minimum provide the following information:

(1) The name and full contact information of the person requesting the permit. Full contact information includes phone number, mailing address, and email address.

- (2) The address of the property for which the application is being submitted.
- (3) The number, species, and breed of animals currently housed at the property.
- (4) The number, species, and breed of animals being requested to be permitted at the property.
- (5) The plans for housing, providing basic life-sustaining needs, and how waste product from the animals will be removed from the property.
- (6) The property owner shall submit with the application a permit fee of \$15.00. The permit fee shall cover the City's cost for review and processing the permit and is non-refundable.
- (7) If the requesting party is a tenant, they shall include with the application a letter, signed by the property owner, supporting the application for the increase in the number of mature animals to be housed at the property.

B. Upon receipt of an application for permit, the City Clerk shall review the application to ensure that all required information is provided and then forward said application to the City Council for consideration. The decision of the Council shall be considered final.

C. If a permit is issued, the permit shall be valid provided that the owner of the mature animals does not violate any section of this chapter or have any founded complaints against them due to the housing of more than five mature animals. Complaints may include, but are not limited to, excessive noise from animals, animals running at large, the housing of an animal determined to be dangerous or vicious, foul odors due to animals, or any other nuisance that is a direct result of the housing of animals at the property.

3. A violation of this section shall be punishable as defined in Section 55.04 of this Code of Ordinances, and shall include the revocation of any permit granted for a period of at least 24 months. Failure to obtain a permit shall be a violation and result in the loss of the ability to obtain a permit for 24 months in addition to any other penalties determined by the City.

55.14 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.

55.15 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.

55.16 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.

CHAPTER 56

URBAN CHICKENS

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56.01 DEFINITIONS.

1. “Chicken” means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. “Urban chicken” means a chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.
3. “Tract of land” means a property or a zoned lot that has one single-family dwelling located on that property or zoned lot.
4. “Single-family dwelling” means any building that contains only one dwelling unit used, intended, rented, leased, let, or hired to be occupied for living purposes.
5. “Permitted tract of land” means the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this chapter.
6. “Permittee” means an applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this chapter.

56.02 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor, or keep chickens within the City without a valid permit obtained from the permitting officer under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the permitting officer and paying all fees required by this chapter. The urban chicken permit shall be valid for three years and may not be sold, transferred, or assigned.
3. Permit Fees. Initial permit fee is \$100.00. The fee to renew the permit is \$75.00. If the City issues the permittee a Notice of Violation and if the permittee has not cured the violation when the property is re-inspected, the permittee shall be assessed a re-inspection fee of \$35.00, which is due in 30 days. If the violation has been cured, no re-inspection fee shall be assessed.
4. Leg Bands Required. The permittee shall place and keep leg bands on all of said person’s chickens, showing the permit number.
5. Requirements. The requirements to the receipt of a permit include:
 - A. All requirements of this chapter are met.
 - B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full.
 - C. All judgments in the City’s favor and against the applicant have been paid in full.

- D. The tract of land to be permitted shall contain only one single-family dwelling occupied and used as such by the permittee.
 - E. The applicant has provided notice to the residents of all properties located within 100 foot radius from the location of the proposed coop of the applicant's intent to obtain a permit.
 - F. Tenant must obtain the landlord's written permission to install a coop.
 - G. Site Plan Showing Space and Placement of Chicken Enclosure. The permitting officer shall issue a permit to keep or maintain chickens in the City only after a site plan showing spacing and placement of chicken enclosure has been submitted and meets the requirements of this section. Drainage system shall be included with design on urban chicken permit.
6. Issuance of Permit. If the permitting officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the officer shall issue the permit.
7. Denial, Suspension, Revocation, Non-Renewal. The permitting officer or designee may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:
- A. False statements on any application or other information or report required by this section to be given by the applicant.
 - B. Failure to pay any application, penalty, re-inspection or reinstatement fee required by this section or City Council resolution.
 - C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
 - D. Failure to comply with the provisions of an approved mitigation or remediation plan by the permitting officer.
 - E. Failure to comply with any provision of this chapter.
8. Notification. A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.
9. Effect of Revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of the denial or revocation.
10. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard given the applicant or holder of the permit. In any instance where the permitting officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chickens may appeal the decision to the Council, or designee other than the permitting officer within 10 business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the permitting officer which is not appealed in accordance to this chapter shall be deemed final action.

56.03 NUMBER AND TYPE OF CHICKENS ALLOWED.

- 1. The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.
- 2. All such chickens must be hens; no roosters are permitted.

56.04 ZONING DISTRICTS ALLOWED. Chickens are permitted only on land located in residential districts as identified on the current Official Zoning Map on file with the City.

56.05 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in chicken breeding, sale of eggs and chickens, or fertilizer production for commercial purposes.

56.06 ENCLOSURES.

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
2. Enclosures must be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.
3. Henhouses, chicken tractors, and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
4. Henhouses and chicken tractors.
 - A. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
 - B. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one-inch openings.
 - C. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.
5. Henhouses, chicken tractors, and chicken pens shall only be located in the rear yard unless the setback requirements cannot be met in which case they may be kept in other yard but within the required setbacks.
6. Henhouses, chicken tractors, and chicken pens must be located at least 10 feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school or place of business.
7. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

56.07 ODOR AND NOISE IMPACTS.

1. Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

56.08 PREDATORS, RODENTS, INSECTS AND PARASITES. The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control Officer.

56.09 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.

56.10 WASTE STORAGE AND REMOVAL. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen, and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

56.11 CHICKENS AT LARGE.

1. The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the City's responsibility to enforce its animal control provisions.
2. The permittee shall place and keep leg bands on all of said person's chickens, showing the permit number.

56.12 UNLAWFUL ACTS.

1. It is unlawful for any person to keep chickens in violation of any provision of this chapter or any other provision of this Code of Ordinances.
2. It is unlawful for any owner, renter, or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this chapter.
3. No person shall keep chickens inside a single-family dwelling unit, multi-family dwelling unit, or rental unit.
4. No person shall slaughter any chickens within the City.
5. No person shall keep a rooster.

56.13 DISCLAIMER. An applicant is responsible to determine whether restrictive covenants prohibit keeping chickens on the applicant's property. The issuance of a permit under this chapter does not affect prohibitions contained in restrictive covenants.

56.14 NUISANCES. Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Chapter 50 of this Code of Ordinances.

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