

ORDINANCE NO. 11-20-2023 #01 (646)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY AMENDING SECTIONS 55.06 and 55.10 IN CHAPTER 55.**

**BE IT ENACTED** by the City Council of the City of Altoona, Iowa:

**SECTION 1. PARAGRAPHS MODIFIED.** The Code of Ordinances of the City of Altoona, Iowa, 2004, is hereby amended by replacing 55.06 and 55.10 paragraphs of Chapter 55, as follows:

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.08 Annoyance or Disturbance
55.02 Animal Neglect	55.09 Animal Littering
55.03 Livestock Neglect	55.10 Rabies Vaccination
55.04 Abandonment of Cats and Dogs	55.11 Owner's Duty
55.05 Livestock	55.12 Confinement
55.06 At Large Prohibited	55.13 Summons Issued
55.07 Damage or Interference	55.14 Disposal of Other Animals

55.01 DEFINITIONS.

The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

2. "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.

3. "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)

4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

55.02 ANIMAL NEGLECT.

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

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

#### 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 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 and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

#### 55.05 LIVESTOCK.

It is unlawful for a person to keep livestock within the City, except physician prescribed therapy animals with specific approval of the City Council.

(Ord. 05-04-2015 #01 (406) – Jun. 15 Supp.)

#### 55.06 AT LARGE PROHIBITED.

~~It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep, chickens, or other similar animals or fowl to run at large within the corporate limits of the City. Any such animal or fowl at large may be impounded. Nothing in this section, however, shall be construed as prohibiting any owner of a dog or cat from walking the dog or cat with a leash, cord, chain, or other similar restraint not more than six feet in length or from transporting such dog or cat within a motor vehicle.~~

New language.

It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep, chickens, or other similar animals or fowl to run at large within the corporate limits of the city. Any such animal or fowl at large may be impounded.

A dog shall not be deemed at large if:

1. The dog is on the premises of the owner, or a person given charge of the dog by the owner and is either:

2. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog by the owner. At no time shall the dog be more than six feet from such person, or
3. Restrained on those premises by an adequate protective fence or leash, cord, chain, or other similar restraint that does not allow a dog to go beyond the owner's real property line.

B. The dog is off the premises of the owner and is either:

1. On a leash, cord, or chain or similar restraint not more than six feet in length

C. No person shall intentionally feed any stray cat or dog within the city.

1. FEED or FEEDING means the placing of dog or cat food, which may result in dogs or cats congregating thereon on a regular basis.

#### 55.07 DAMAGE OR INTERFERENCE.

No owner shall allow or permit his or her animal to damage or defile public property or the private property of another.

#### 55.08 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.

#### 55.09 ANIMAL LITTERING.

It is unlawful for the owner or responsible party to allow the animal to deposit feces on public or private property without the consent of the property owner. Animal feces deposited on public or private property shall be immediately removed and disposed of in a sanitary manner. This section does not apply to the owner of a service dog when the owner is deemed to be legally blind or to have other medically and physically limiting disabilities.

#### 55.10 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 kennels and not allowed to run at large are not subject to these vaccination requirements.~~

(Code of Iowa, Sec. 351.33)

#### 55.11 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)

#### 55.12 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 ten (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)

#### 55.13 SUMMONS ISSUED.

The owner of any licensed dog or the owner, if known, of any unlicensed dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

#### 55.14 DISPOSAL OF OTHER ANIMALS.

If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

(Ch. 55 - Ord. 08-18-2014 #01 (395) – Dec. 14 Supp.)

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. 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 4. 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 the 20<sup>th</sup> day of November, 2023, and approved this 20<sup>th</sup> day of November, 2023.



**Dean O'Connor, Mayor**

ATTEST:



**Randy Pierce, City Clerk**

First Reading: 11/20/2023 Second Reading: 11/20/2023 Third Reading: 11/20/2023

**Council Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Boka</b>			✓	
<b>Duer</b>	✓			
<b>Dunwoody</b>	✓			
<b>Sloan</b>	✓			
<b>Willey</b>	✓			