

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.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "Animal Control Officer" means a person designated by the City to perform such duties involving animal control and to have authority to enforce this chapter and Chapter 56 of this Code of Ordinances.
4. "Animal pound or shelter" means any premises, either designated by or contracted for by the Council, for the proper care of impounded animals held under the authority of this chapter.
5. "At large" means an animal off the premises of the owner. An animal properly licensed as required by this chapter shall not be deemed at large if such animal:
 - A. Is confined within a suitable enclosure under the control of a competent person, or
 - B. Is confined within a motor vehicle under the control of a competent person, or
 - C. Is under the control of a person competent to restrain and control the animal, either by leash, cord, chain, or other similar restraint not more than six feet in length, or properly restrained within a motor vehicle, or
 - D. Is properly housed in a veterinary hospital or licensed kennel, pet shop, or City designated animal pound.
6. "Business" means any enterprise relating to any of the following:
 - 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.
7. "Cat" means all members of the *Felis Domestica* species, male or female, altered or unaltered.

8. “Competent person” means a person of such maturity as to be able to exercise control over a dog or cat.
9. “Dog” means and includes members of the canine species, male or female, altered or unaltered.
10. “Fair” means any of the following:
 - 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.
11. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
12. “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*)
13. “Owner” means any person or persons, firm, association or corporation, owning, keeping, or harboring a dog, cat, horse, or other animal.
14. “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.

55.02 PETS: TYPES AND NUMBERS OF ANIMALS PERMITTED. The following animals may be owned as pets under the following conditions:

1. Dogs not to exceed three in number and cats not to exceed three in number at or in a residential dwelling, which dogs and cats are owned and maintained in compliance with the provisions of this chapter relating to such animals.
2. Rabbits not to exceed three in number at or in a residential dwelling, and which must be maintained in a hutch or other type of enclosure.
3. Vietnamese Pot Bellied Pigs, Asian Pot Bellied Pigs, or pot bellied pigs not to exceed two in number of the types considered together at or in a residential dwelling.
4. The young produced by any pets permitted herein may be maintained at or in a residential dwelling with the parent animals for a period of approximately eight weeks but in no case longer than ten weeks.

55.03 BEE KEEPING. It is unlawful for any person to keep or harbor bees unless the same is specifically authorized under the City’s Zoning Ordinance as an agricultural or commercial use.

55.04 OFFENSES. No owner of any dog, cat, or other animal (or any person having control or responsibility thereof) shall:

1. Allow or permit such animal to run at large.

2. Fail 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.
3. Allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.
4. Allow or permit such animals 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, or placing any person in reasonable fear of attack or injury.
5. Every dog or cat shall have a current vaccination tag attached to its collar or harness (as required by law).
6. Abandon any animal within the corporate limits of the City.

55.05 SEIZURE AND IMPOUNDING. Any animal found in violation of the provisions of Section 55.04 of this chapter may be seized and impounded. It is the duty of the peace officer or the duly appointed Animal Control Officer of the City to cause any animal in violation of this chapter to be seized and impounded.

55.06 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 that causes unjustified pain, distress, or suffering.
(Code of Iowa, Sec. 717B.3)

55.07 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)

55.08 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.

55.09 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs and cats 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)

55.10 REQUIREMENTS WHEN ANIMAL HAS BITTEN A PERSON. The owner of an animal shall report at once to the Milford 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 Milford Police Department. Any person claiming to have been bitten by an animal must go in person to the Milford Police Department or to a physician to show proof of a bite if deemed necessary by the director of public health. Children claiming to have been bitten by an animal must be accompanied by a parent or legal guardian.

55.11 REPORT OF PERSON WHOSE 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 Milford Police Department and shall have the exposed animal placed in isolation and quarantine as provided by this Code of Ordinances.

55.12 IMPOUNDING COSTS. Impounding costs are established by the impoundment facility.

(Code of Iowa, Sec. 351.37)

55.13 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 which 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.

55.14 VIOLATIONS. The City may separately proceed with a municipal infraction pursuant to Chapter 3 of this Code of Ordinances, Section 3.01 through 3.06, in addition to all available remedies pursuant to this Code of Ordinances and Iowa law, in law or in equity, including without thereby limiting, abatement and fine. The failure to follow either procedure is not a defense.

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