

Title 8
ANIMALS*

Chapters:

8.04 Dogs

8.08 Cats

Chapter 8.04

DOGS

Sections:

8.04.010 Definitions

8.04.020 Kennel Dogs

8.04.030 At Large Prohibited

8.04.040 Immunizations

8.04.050 Cleanup of Dog Feces

8.04.060 Impounding

8.40.070 Not in Use

8.04.080 Harassment of Dogs Prohibited

8.04.090 Bullfights and Other Contests

8.04.100 Investigation of Complaints

8.04.110 Dangerous Animals Prohibited

8.04.120 Dangerous Animals Exceptions

8.04.130 Keeping of Vicious Dogs or Cats

8.04.140 Violation-Penalty

8.04.150 Seizure of Vicious or Dangerous Animal

8.04.160 Dogs Disturbing the Peace

8.04.170 Animal Neglect

8.04.180 Abandonment of Cats and Dogs

8.04.010 Definitions. For use in this chapter the following terms are defined as follows:

Dogs: means both male and female animals of the canine species, whether neutered or not.

At Large: refers to any licensed or unlicensed animal found off the premises of its owner, whether on or off public or private property, and either not on a leash, not restrained within a vehicle so as to prevent it's leaving the vehicle, or not housed in a veterinary clinic or kennel.

Owner: means any person, firm or corporation owning, harboring, sheltering or keeping a dog.

Bite: means any puncture, laceration, abrasion, scratch, or any other break in the skin caused to human or animal. (Ord. 8-68 §2, 1968)

8.04.020 Kennel Dogs. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this chapter. (Ord. 8-68 §2, 1968)

8.04.030 At Large Prohibited. Animals running at large. No person shall allow cattle, horses, swine, sheep or other similar animals or fowl to run at large within the limits of the municipal corporation. At large means an animal found off the premises of the owner or upon the public streets, alleys, sidewalks, public grounds or parks within the City. A dog or cat shall not be deemed at large: (Code of Iowa, Sec. 351.41)

- a. If it is attached to a leash of sufficient strength of not more than ten (10) feet in length and such leash is held by a competent person; or
- b. It is accompanied by or at the side of the owner or a competent person and obedient to commands of the owner or competent person.
- c. It is unlawful for an owner of a dog to allow or permit the dog to run at large within the City.
- d. It is unlawful for an owner of a dog to allow or permit the dog to pass upon the premises of another thereby causing damage to, or interference with, the premises.
- e. It is unlawful for an owner of a dog to allow or permit the dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running at or after or chasing person, bicycles, automobiles, or other vehicles.
- f. It is unlawful for the owner of a dog to permit or allow such dog to be in any public cemetery at any time. (Ord. 3-20 §1, 2020; Ord. 5-94 §1(part), 1994; Ord. 8-68 §3, 1968)

8.04.040 Immunizations. All dogs six (6) months or older shall be vaccinated against rabies. Upon any contact with any law enforcement or appointed person, the owner shall furnish a veterinarian's certificate showing the dog has been vaccinated, and that the vaccination has not expired. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined. (Code of Iowa, Sections 351.33 and 351.34.)

8.04.050 Cleanup of Dog Feces. It shall be unlawful for any owner or person in charge of a dog to fail to clean up and remove as soon as possible the feces deposited by their dog from any and all real estate, whether public or privately owner, other than on the premises of the owner or person in charge. (Ord. 5-94 §1 part, 1994)

8.04.060 Impounding.

- (a) Any dog found at large in violation of this chapter shall be seized and impounded at the owner's expense.
- (b) Any person appearing within Seven (7) days after impounding of any dog and providing they prove ownership of any such animal and provide certificate of vaccination, may have the animal released upon payment of the sum of Fifty dollars (\$50.00) to the City Clerk. All other fees shall be paid at the Readlyn Veterinary Associates or Cedar Bend Humane Society prior to release. (Ord. 2-2023)
- (c) Notice of the impounding of all dogs shall be duly given by posting notice, during business hours, at the City Hall and/or social media. The notice shall describe the animal, designating the breed, if known, and the sex and color, and shall state that unless claimed and released under the terms of this chapter within seven days after the posting or serving of notice, as provided in this chapter, the animal shall be disposed of in accordance with the conditions and regulations of the Readlyn Veterinary Associates (7 days) or Cedar Bend Humane Society (7 days). The notice shall be posted within one day after the impounding of the animal and shall be mailed to the person; depositing the notice in the post office, properly addressed, by ordinary mail, shall be

held to constitute service of the same under this chapter. In the event the notice is mailed as here in above provided, the seven-day period shall commence upon the date the notice is mailed. (Ord. 2-2023)

(d) The animal shall be impounded by the Police Department or appointed person and shall be impounded at the Readlyn Veterinary Associates or Cedar Bend Humane Society. In addition to above Fifty-dollar (\$50.00) fee, the owner shall be required to pay the Readlyn Veterinary Associates or Cedar Bend Humane Society any sums for said dog as their rules and regulations provide. (Ord. 3-78 §1, 1978, Ord. 2-2023)

8.04.070 Not in Use.

8.04.080 Harassment of Dogs Prohibited. No person, firm or corporation shall, within the City limits of the City of Denver, Iowa, tease or harass any dog or animal so as to cause said animal to bark, bite or disturb the peace. (Ord, 6-78 §1, 1978)

8.04.090 Bullfights and Other Contests. No person shall keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, or engage in, aid, abet, encourage or assist in any bull, bear, dog or cock fight, or a fight between any other creatures. (Code of Iowa, Sec. 717.3)

8.04.100 Investigation of Complaints. It shall be the duty of the Denver Police Department, to investigate oral or written complaints of any violation of this chapter. The enforcement personnel shall notify the owner of any violations of this chapter. If the owner does not take action to correct the violation, the owner shall be subject to penalty described in section 8.04.140. The only exception would be 8.04.090 Bullfights and Other Contests, violators will be cited. (Ord 2-2023)

8.04.110 Dangerous and Vicious Animals.

1. "Dangerous Animal" means:

(a) any animal which is not naturally tame or gentle and which is of a wild nature or disposition, and which is capable of killing, inflicting, serious injury upon or causing disease among human beings or domestic animals and having the tendencies as a species to do so;

(b) any animal declared to be dangerous by the Police Department or City Council or declared dangerous by any governmental body of the United States. (Ord 2-2023)

(c) the following animals, which are deemed to be dangerous animals per se:

A. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

B. Wolves, coyotes and foxes;

C. Badgers, Wolverines, weasels, skunk and mink;

D. Raccoons;

E. Monkeys and chimpanzees;

F. Bears;

G Alligators and crocodiles;

H. Scorpions;

I. Snakes that are venomous, or constrictors;

J. Lizards that are venomous

2. “Vicious Animal” means:

(a) any animal, except for a dangerous animal per se, as listed above, with the known propensity, tendency or disposition to attack unprovoked, to cause injury, to, or to otherwise endanger the safety of humans or other animals, or any animal which attacks a human being or other domestic animal without provocation, or

(b) Any animal that has bitten a human without provocation, any animal that has attacked another animal without provocation resulting in the death of the other animal.

Exception for Dogs attacking and killing rabbits, pet rodents, and fowl that are left outside of a fully contained cage that doesn’t provide 360 degree confinement.

(c) any other animal declared to be vicious by the Police Department or City Council. (Ord. 2-2023)

8.04.120 Dangerous Animals Prohibited. No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, harbor such animal for any other purpose or in any other capacity within the City with the following exceptions:

(a) the keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

(b) the keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

(c) animals under the control of a law enforcement or military agency.

(d) the keeping of guard dogs: However, guard dogs must be kept within a structure or fixed enclosure at all times and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8.04.110. Any business guarded by a guard dog shall be prominently posted with a sign containing the wording “Guard Dog”, “Vicious Animal” or words of similar importance, and the owner of such premises shall inform the Police Chief that a guard dog is on duty at said business.

8.04.130 Keeping of Vicious Animals Prohibited. It shall be unlawful for any person or persons to harbor or keep a vicious dog or cat within the City of Denver. A vicious cat or dog is deemed so when it shall have attacked or bitten any person (without provocation), or when the propensity to attack or bite person shall exist and such propensity is known or ought to reasonably be known to the owner thereof.

8.04.140 Violation-Penalty. Anyone violating any of the provisions of this chapter may be issued a citation for a simple misdemeanor as provided under Denver City Code Section 1.08.010 Penalty for Violation and/or a Municipal Infraction as provided under Denver City Code Chapter 1.12 Municipal Infractions. (Ord 2-2023)

8.04.150 Seizure of Vicious or Dangerous Animal.

(a) If an officer of the Denver Police Department in his / her discretion or upon receipt of a complaint alleging that a particular animal is vicious or defined as a dangerous animal, may initiate proceedings to declare such animal as vicious or dangerous. The proceedings shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given notice not less than twenty-four hours of the time and place of the

hearing, the notice to set forth the description of the animal in question, and the basis of the allegations. The notice shall also set forth that if the animal is determined to be vicious or dangerous the owner will be required to remove it from the City of Denver, or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(b) If after the hearing, the Council determines that the animal is vicious or dangerous, the Council shall order the person owning, sheltering, harboring or keeping the animal to remove it from the City or cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom it was issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Denver Police Department is authorized to seize and impound the animal. If the person owning, sheltering, harboring, or keeping the animal refuses entry upon the property to impound the animal, officers will request a search warrant. An animal so seized shall be impounded for a period of seven days. If at the end of impoundment period, the person against whom the order of the Council was issued has not petitioned the County District Court for review of the order, the officer shall cause the animal to be destroyed.

(c) In the event that a vicious or dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to life or property, such animal, may in the discretion of the police officer be destroyed if it cannot be confined or captured. The City has no duty to attempt the confinement or capture of a vicious or dangerous animal found at large, nor does it have a duty to notify the owner of such animal prior to its destruction.

(d) Quarantine Requirements.

In the event a dog, cat or other animal has bitten a person, or other animal, and is suspected of having rabies, lacks rabies vaccination or is defined as a vicious animal by this ordinance, the Police Department has the authority to seize the animal and take it to the approved vet clinic or animal shelter for quarantine. The Police Department may do any of the following with regard to the dog or animal that has been seized under this chapter.

- 1) Retain such dog or animal at the owner's expense for the purpose of observation and testing for a period not to exceed 14 days.
- 2) Release such animal to the control of its owner pursuant to a written agreement and checklist with the owner upon such terms and conditions as the Police Department deems reasonably necessary to ensure the public safety, including but not limited to any one or more of the following:
 - a. To keep animal confined to the owner's premises in an enclosure or by any other means approved by the Police Department.
 - b. To require the owner to identify the animal by means of a special blaze orange collar.
 - c. To keep the animal securely muzzled, leashed, and under control of a person 18 years of age or older who is physically capable of restraining the animal and to keep the dog or animal on the owner's premises at all times.
 - d. To require the owner to inform by any means, including (but not limited to) the postmaster, utility companies, meter readers, or other persons who

routinely come on the property of the owner that a dangerous animal is on the premises or if the owner moves his or her residence to another location within the City, to inform any such persons that the animal is now on the new premises.

- e. To require the owner to prove financial responsibility for any injury or damage which may be caused by the animal by posting a cash or surety bond for an amount up to \$1,000 with the City Clerk.
- f. To require all impoundment fees to be paid by the owner before said animal is released.
- g. To require the owner to agree that any violation of the agreement will result in the animal being impounded or destroyed.

8.04.160 Dogs Disturbing the Peace.

(a) It is unlawful for an owner of a dog to allow or permit the dog to run at large within the City.

(b) It is unlawful for an owner of a dog to allow or permit the dog to pass upon the premises of another.

(c) It is unlawful for an owner of a dog to allow or permit the dog to cause annoyance or disturbance to any person or person by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing people, bicycles, automobiles or other vehicles.

(d) It is unlawful for the owner of a dog to permit or allow such dog to be in any public cemetery at any time. (Ord. 5-94 §1(part), 1994; Ord. 8-68 §3, 1968, Ord. 2-2023)

8.04.170 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 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 substance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress, or suffering. (Code of Iowa, Sec. 717B.3; Ord. 8-2012)

8.04.180 Abandonment of Cats and Dogs. – Penalties.

1) A person commits abandonment if the person owns or has custody of a cat or dog and relinquishes all rights and duties to care for the cat or dog.

2) The section does not apply to any of the following:

- a. The delivery of a cat or dog to another person who will accept ownership and keep custody of the cat or dog.
- b. the delivery of a cat or dog to an animal shelter or pound as defined in Iowa Code Section 162.2. That has been issued or renewed a valid authorization by the department under Iowa Chapter 162.

3) a. A person who commits animal abandonment that does not cause injury or death to the animal is guilty of a simple misdemeanor penalty prescribed in Denver Municipal Code Section 1.08.010.

b. A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor, Iowa Code Section 717B.8(3)(b).

c. A person who commits animal abandonment that cause serious injury or death to an animal is guilty of an aggravated misdemeanor, Iowa Code Section 717B.8(3)(c).

(Code of Iowa, Section 717B.8, Ord. 8-2012, Ord. 2-2023)

Chapter 8.08
CATS

Sections:

- 8.08.010 Definitions
- 8.08.020 Confinement on Premises Required
- 8.08.030 Rabies Immunization Required When
- 8.08.040 Disturbing the Peace
- 8.08.050 Investigation of Complaints
- 8.08.060 Disposition of Cats Running at Large
- 8.08.070 Violation – Penalty

8.08.010 Definitions. For use within this chapter, the following are defined:

- (1) "Cats" includes both male and female cats whether altered or not.
- (2) "At large" refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an enclosure upon the premises, or in a kennel.
- (3) "Owner" includes any person, firm or corporation owning, harboring, sheltering or keeping a cat. (Ord. 13-74 §1, 1974)

8.08.020 Confinement on Premises Required. All cats shall be confined to the owner's premises or on leash twelve months of the year. (Ord. 13-74 §2, 1974)

8.08.030 Rabies Immunization Required When. The Mayor may order the immunization of all cats against rabies whenever, in his discretion, public health or safety requires. (Ord. 13-74 §3, 1974)

8.08.040 Disturbing the Peace.

- (a) It is unlawful for an owner of a cat to allow or permit such a cat to pass upon the premises of another.
- (b) It is unlawful for an owner of a cat to allow or permit such cat to cause annoyance or disturbance to any person or persons by frequent and habitual meowing, or otherwise; or by running after or chasing people, bicycles, automobiles or other vehicles. (Ord. 13-74 §4, 1974, Ord. 3-2023)

8.08.050 Investigation of Complaints. It shall be the duty of the Police Department or other person appointed in writing by the Mayor to investigate oral or written complaints of any violation of this chapter. The Police Department or appointed person, shall notify the cat owner of this violation. If no action by the owner is taken to correct the situation, the Chief, police officer or appointed person shall follow Section 8.08.070 Violation/ Penalty. (Ord. 13-74 §5, 1974, Ord 3-2023)

8.08.060 Disposition of Cats Running at Large. It shall be the duty of the Police Department or any other person working for the City, to dispose of any cats running at large who's owner cannot be identified. All cats will be taken to the Cedar Bend Humane Society and disposed of per their policies. For any cats caught running at large and taken to the Cedar Bend Humane

Society, a notice will be posted at City Hall and/or social media during regular business hours. The notice shall attempt to describe the animal, sex and color of the animal, and shall state that unless claimed and released under the terms of this chapter within five (5) days after the posting or serving of notice, as provided in this chapter, the animal shall be disposed of in accordance with the conditions and regulations of Cedar Bend Humane Society. The notice shall be posted within one day after the impounding of the animal and shall be mailed to the person; depositing the notice in the post office, properly addressed, by ordinary mail, shall be held to constitute service of the same under this chapter. In the event the notice is mailed as here in above provided, the five-day period shall commence upon the date the notice is mailed. The owner will be subject to a Fifty-dollar (\$50.00) handling fee from the City of Denver and all other expenses shall be paid at Cedar Bend Humane Society prior to the release of the cat. (Ord. 13-74 §6, 1974, Ord. 3-2023)

8.08.070. Violation / Penalty. Anyone violating any provisions of this chapter may be issued a citation for a simple misdemeanor as provided under Denver Municipal Code Section 1.08.010 Penalty for Violation and/or a Municipal Infraction as provided under Denver Municipal Code Chapter 1.12 Municipal Infractions. (Ord 3-2023)

This page was intentionally left blank.

The next page number is 164.