

**CITY OF STORM LAKE
SPECIAL COUNCIL SESSION MEETING,
STORM LAKE HIGH SCHOOL
621 TORNADO DRIVE
APRIL 8, 2024
5:30 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

Access to the official meeting will only be available in person.

Open the Meeting

- **Call to Order**
- **Pledge of Allegiance**

- A. Consideration of Changes in Agenda and Setting the Agenda**
- B. Disclosure by City Council Members**
- C. Hear the Public**
- D. New Business**
 - 1. [Stray Animal Work Session](#)
- E. Adjourn**

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item please approach the podium when that agenda item is called and upon recognition by the Mayor identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda please approach the podium under the "Hear the Public" agenda item and upon recognition by the Mayor identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance, or accessibility please contact the City Clerk at least four (4) hours prior to the start of the meeting.

**If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.*

***Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.*

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Find us on the Web at <http://www.stormlake.org>

Staff Summary

04/08/2024

Agenda Item # D.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Stray Animal Work Session**

BACKGROUND: City Staff will provide information regarding current State of Iowa and Storm Lake City Code in addition to the animal complaints received in Storm Lake. At the conclusion of the Work Session, Council will provide direction to staff on how to proceed.

FISCAL IMPACT: Unknown

RECOMMENDATION: N/A

ATTACHMENTS:

[City Code 8-3 Dogs.pdf](#)

[City Code 8-4 Cats.pdf](#)

[City Code 8-9 Dangerous and Vicious Animals.pdf](#)

[Iowa Code Chapter 351.pdf](#)

[Iowa Code Chapter 717B.pdf](#)

[Dr. Johnson Letter.pdf](#)

Chapter 8-3

DOGS

Sections:

8-3-1	Definitions
8-3-2	License
8-3-3	Immunization
8-3-4	Kennel Dogs
8-3-5	Dogs Disturbing The Peace
8-3-6	Impounding
8-3-7	Municipal Infraction
Section 8-3-1	Definitions

For use within this Chapter the following are defined:

(A) "DOGS" includes both male and female dogs whether altered or not;

(B) "AT LARGE" refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital or kennel;

(C) "OWNER" includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

Section 8-3-2 License

Every owner of a dog which is unlicensed or whose license has expired shall procure a dog license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the dog. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

(Ord. No. 269495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-3-3 Immunization

The Mayor may order the immunization of all dogs against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Ordinance for any dog to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of dogs, to evidence such immunization and this tag shall be worn by such dogs.

Section 8-3-4 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.

Section 8-3-5 Dogs Disturbing The Peace

(A) It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another.

(B) It shall be unlawful for an owner of a dog to allow or permit such dog to run at large.

(C) It shall be unlawful for an 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.

(D) The provisions of Subsections (A) and (B) shall not apply to dogs being run by an employee of the City or by a person, including the person's employee, under contract with the City of Storm Lake for the purpose of controlling and minimizing the presence of geese in the City parks or other property owned by the City.

(Ord. 08-O-2006-2007, Amended, 05/07/2007)

Section 8-3-6 Impounding

(A) Any unlicensed dog found at large, or any licensed dog found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed dogs shall be notified that upon payment of impounding costs such dogs will be returned. If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs shall be disposed of by the Chief of Police.

(C) Impounded unlicensed dogs may be recovered by the owner, upon proper identification by payment of license fee and impounding costs. If such dogs are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-3-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 8-4

CATS

Sections:

8-4-1	Definitions
8-4-2	License
8-4-3	Immunization
8-4-4	Kennel Cats
8-4-5	Cats Disturbing The Peace
8-4-6	Impounding
8-4-7	Municipal Infraction
Section 8-4-1	Definitions

For use within this Chapter the following are defined:

(A) "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 any animal hospital or kennel.

(B) "CATS": Includes both male and female cats whether altered or not.

(C) "OWNER": Any person, firm or corporation owning, harboring, sheltering or keeping a cat.

Section 8-4-2 License

Every owner of a cat which is unlicensed or whose license has expired shall procure a cat license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the cat. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar shall be deemed unlicensed.

(Ord. No. 259495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-4-3 Immunization

The Mayor may order the immunization of all cats against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Chapter for any cat to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of cats, to evidence such immunization and this tag shall be worn by such cats.

Section 8-4-4 Kennel Cats

Kennel cats 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.

Section 8-4-5 Cats Disturbing The Peace

(A) It shall be unlawful for an owner of a cat to allow or permit such cat to pass upon the premises of another.

(B) It shall be unlawful for an owner of a cat to allow or permit such cat to run at large.

(C) It shall be unlawful for an owner of a cat to allow or permit such cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, whining, meowing or otherwise.

Section 8-4-6 Impounding

(A) Any unlicensed cat found at large, or any licensed cat found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed cats shall be notified that upon payment of impounding costs such cats will be returned. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats shall be disposed of by the Chief of Police.

(C) Impounded unlicensed cats may be recovered by the owner, upon proper identification by payment of the license fee and impounding costs. If such cats are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-4-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

8-9-1	Definitions
8-9-2	Keeping Of Dangerous Animals Prohibited
8-9-3	Dangerous Animal Exceptions
8-9-4	Seizure, Impoundment And Disposition Of Dangerous Animals
8-9-5	Keeping Of Vicious Animals Prohibited
8-9-6	Vicious Animal Exception
8-9-7	Seizure, Impoundment And Disposition Of Vicious Animals
8-9-8	Restrictions Of Keeping Of Potentially Vicious Animals
8-9-9	Complaint, Procedures And Restrictions Of Potentially Vicious Animals

Section 8-9-1 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

1. 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 known tendencies as a species to do so;
2. Any animals declared to be dangerous by the Board of Health of the County or the City Administrator or his/her designee;
3. The following animals which shall be deemed to be dangerous animals per se:

Lions,tigers, jaguars, leopards, cougars, lynx and bobcats;
Wolves, coyotes and foxes;
Badgers, wolverines, weasels, skunks and mink;
Raccoons;
Bears;
Monkeys and chimpanzees;
Bats;
Alligators and crocodiles;
Scorpions;
Snakes that are venomous or constrictors;
Gila monsters;

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, or
2. With a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to

otherwise threaten the safety of human beings or domestic animals.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either
 - a. The animal was being provoked, teased or tormented; or
 - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

Section 8-9-2 Keeping Of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

Section 8-9-3 Dangerous Animal Exceptions

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (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.
- (B) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- (C) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (D) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (E) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

Section 8-9-4 Seizure, Impoundment And Disposition Of Dangerous Animals

(A) In the event that a 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 person or property, such animal, may, in the discretion of the City Administrator or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(B) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City of Storm Lake, the City Administrator shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Administrator shall order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9- 3 of this Code to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the City Administrator shall cause the animal to be immediately seized and impounded or killed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.

(C) The order to remove a dangerous animal issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the City Administrator is not appealed and is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City Administrator issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

Section 8-9-5 Keeping Of Vicious Animals Prohibited

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

Section 8-9-6 Vicious Animal Exception

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

(A) Animals under the control of a law enforcement or military agency.

(B) The keeping of guard dogs. However, guard dogs must be kept within a structure of 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 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

Section 8-9-7 Seizure, Impoundment And Disposition Of Vicious Animals

(A) The City Administrator or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Administrator or his/her designee. The person, firm or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City 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 hearing, the City Administrator or his/her designee determines that an animal is vicious, the City Administrator or his/her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Administrator or his/her designee was issued has not appealed such order to the City Council, the City Administrator or his/her designee shall cause the animal to be destroyed.

(C) The order to remove or destroy vicious animal issued by the City Administrator or his/her designee shall be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator or his/her designee.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator or his/her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Administrator or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator or his designee shall cause the animal to be destroyed in a humane manner.

(F) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

(G) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the City Administrator or his/her designee may immediately destroy it.

(H) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

Section 8-9-8 Restrictions Of Keeping Of Potentially Vicious Animals

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

Section 8-9-9 Complaint, Procedures And Restrictions Of Potentially Vicious Animals

(A) The City Administrator, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, may initiate proceedings to declare such animal a potential vicious animal. A hearing on the matter shall be conducted by the Administrator or his/her designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing.

Said notice shall set forth the description of the animal in question and the basis for the allegation that the animal is potentially vicious. The notice shall also set forth that if the animal is determined to be potentially vicious, the owner will be required to comply with certain restrictions with regard to the animal and if such restrictions are not followed, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon an 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 hearing, the City Administrator or his/her designee determines that an animal is potentially vicious, the City Administrator or his/her designee may order that the owner comply with some or all of the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.
2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.
3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.

(C) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits may be appealed to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(D) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a Municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

CHAPTER 351

DOGS AND OTHER ANIMALS

Referred to in [§331.381](#)

351.1	through 351.24	Repealed by 94 Acts, ch 1173, §42.	351.37	Dogs running at large — impoundment — disposition.
351.25	Dog as property.		351.38	Owner's duty.
351.26	Right and duty to kill untagged dog.		351.39	Confinement.
351.27	Right to kill tagged dog.		351.40	Quarantine.
351.28	Liability for damages.		351.41	Not a limitation on power of municipalities and counties.
351.29	Construction clause.		351.42	Exempt dogs.
351.30	through 351.32	Reserved.	351.43	Penalty.
351.33	Rabies vaccination.		351.44	Reserved.
351.34	Condition for license.	Repealed by 94 Acts, ch 1173, §42.	351.45	Tampering with a rabies vaccination tag — penalties.
351.35	How and when.		351.46	Tampering with an electronic handling device — penalties.
351.36	Enforcement.			

351.1 through 351.24 Repealed by 94 Acts, ch 1173, §42.

351.25 Dog as property.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid rabies vaccination tag attached to the collar, shall be deemed property. Dogs not provided with a rabies vaccination tag shall not be deemed property.

[C24, 27, 31, 35, 39, §5447; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.25]

[94 Acts, ch 1173, §32](#)

Referred to in [§351.45](#)

351.26 Right and duty to kill untagged dog.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

[C24, 27, 31, 35, 39, §5448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.26]

[94 Acts, ch 1173, §33](#)

Referred to in [§351.45](#)

351.27 Right to kill tagged dog.

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.27]

[94 Acts, ch 1173, §34; 2007 Acts, ch 111, §1](#)

351.28 Liability for damages.

The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. [This section](#) does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.28]

[83 Acts, ch 117, §1](#)

351.29 Construction clause.

A holding that one or more sections of [this chapter](#) are unconstitutional shall not be held to invalidate the remaining sections.

[C24, 27, 31, 35, 39, §5451; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.29]

[2019 Acts, ch 59, §107](#)

351.30 through 351.32 Reserved.**351.33 Rabies vaccination.**

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in the 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 shall not be subject to these vaccination requirements.

[C66, 71, 73, 75, 77, 79, 81, §351.33]

Referred to in [§351.35](#), [351.36](#), [351.42](#), [351.43](#)

351.34 Condition for license. Repealed by 94 Acts, ch 1173, §42.**351.35 How and when.**

The rabies vaccination required by [section 351.33](#) shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog.

[C66, 71, 73, 75, 77, 79, 81, §351.35]

Referred to in [§351.36](#), [351.42](#), [351.43](#), [351.45](#)

351.36 Enforcement.

Local health and law enforcement officials shall enforce the provisions of [sections 351.33](#), [351.35](#), [this section](#), and [sections 351.37 through 351.43](#) relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

[C66, 71, 73, 75, 77, 79, 81, §351.36]

[2018 Acts, ch 1026, §121](#)

Referred to in [§351.42](#), [351.43](#)

351.37 Dogs running at large — impoundment — disposition.

1. A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag or a rabies vaccination certificate is not presented to the local board of health or law enforcement official.

2. The local board of health or law enforcement official shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of [this section](#), notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

3. If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in [this section](#), the dog

may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in [section 162.2](#).

[C66, 71, 73, 75, 77, 79, 81, §351.37]

[2002 Acts, ch 1130, §1](#); [2017 Acts, ch 54, §76](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.38 Owner's duty.

It shall be 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 shall be 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.

[C66, 71, 73, 75, 77, 79, 81, §351.38]

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.39 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 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](#) shall 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.

[C66, 71, 73, 75, 77, 79, 81, §351.39]

[2001 Acts, ch 19, §1](#); [2001 Acts, ch 176, §68](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the department of health and human services. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

[C66, 71, 73, 75, 77, 79, 81, §351.40]

[2023 Acts, ch 19, §1110](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

Section amended

351.41 Not a limitation on power of municipalities and counties.

[This chapter](#) does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

[C66, 71, 73, 75, 77, 79, 81, S81, §351.41; [81 Acts, ch 117, §1065](#)]

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of [sections 351.33](#) and [351.35](#), [sections 351.36 through 351.41](#), [this section](#), and [section 351.43](#).

[C66, 71, 73, 75, 77, 79, 81, §351.42]

[2018 Acts, ch 1026, §122](#)

Referred to in [§351.36](#), [351.43](#)

351.43 Penalty.

Any person who violates or refuses to comply with the provisions of [section 351.33](#) or [sections 351.35 through 351.42](#) is guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §351.43]

[2018 Acts, ch 1026, §123](#); [2022 Acts, ch 1021, §87](#)

Referred to in [§351.36](#), [351.42](#)

351.44 Reserved.**351.45 Tampering with a rabies vaccination tag — penalties.**

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](#).

b. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in [sections 351.25](#) and [351.26](#).

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. [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 as defined in [section 801.4](#).

c. A veterinarian licensed as provided in [chapter 169](#).

d. An animal shelter or pound as defined in [section 162.2](#).

[2020 Acts, ch 1111, §1](#)

351.46 Tampering with an electronic handling device — penalties.

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 electric 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. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. [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 as defined in [section 801.4](#).

c. A veterinarian licensed as provided in [chapter 169](#).

d. An animal shelter or pound as defined in [section 162.2](#).

[2020 Acts, ch 1111, §2](#)

CHAPTER 717B

MISTREATMENT OF ANIMALS

Referred to in §162.10D, 165B.2, 331.307, 331.308, 364.22, 364.22A, 670.4, 701.1, 717F4, 717F5

Injury to livestock, see [chapter 717](#)

717B.1	Definitions.	717B.6	Destruction and disposition of wild animals.
717B.2	Animal abuse — penalties.		
717B.3	Animal neglect — penalties.	717B.7	Repealed by 2002 Acts, ch 1130, §10.
717B.3A	Animal torture — penalties.		
717B.3B	Animal mistreatment — court order — evaluation and treatment.	717B.8	Abandonment of cats and dogs — penalties.
717B.4	Dispositional proceedings.	717B.9	Injury or interference with a police service dog.
717B.5	Rescue of threatened animals.		

717B.1 Definitions.

As used in [this chapter](#):

1. “*Animal*” means a nonhuman vertebrate. However, “*animal*” does not include any of the following:

- a. Livestock, as defined in [section 717.1](#).
- b. Preserve whitetail as defined in [section 484C.1](#).
- c. Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in [section 481A.1](#), unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.
- d. Any nongame species declared to be a nuisance pursuant to [section 481A.42](#).

2. “*Animal care provider*” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to [section 717B.5](#).

3. “*Animal mistreatment*” means an act described as animal abuse as provided in [section 717B.2](#), animal neglect as provided in [section 717B.3](#), animal torture as provided in [section 717B.3A](#), abandonment of a cat or dog as provided in [section 717B.8](#), or injury to or interference with a police service dog as provided in [section 717B.9](#).

4. Unless the context otherwise requires, “*book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

5. “*Commercial establishment*” means a commercial establishment as defined in [section 162.2](#) that is operating under a valid authorization issued or renewed under [section 162.2A](#).

6. a. “*Convicted*” means the entry of a judgment of conviction under [chapter 901](#) or adjudicated delinquent for an act which is an indictable offense in this state or in another state under [chapter 232](#).

b. “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

7. “*Department*” means the department of agriculture and land stewardship.

8. “*Dispositional expenses*” means expenses incurred by a local authority in rescuing an animal as provided in [section 717B.5](#), maintaining the animal until the conclusion of a dispositional proceeding as provided in [section 717B.4](#), or disposing of the animal as provided in [section 717B.4](#).

9. “*Euthanasia*” means the same as defined in [section 162.2](#).

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, including physical damage or harm to an animal’s muscle, tissue, organs, bones, hide, or skin.

11. “*Law enforcement officer*” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

12. “*Local authority*” means a city as defined in [section 362.2](#) or a county as provided in [chapter 331](#).

13. “*Maintenance*” means to provide on-site or off-site care to neglected animals.

14. “Responsible party” means a person who owns or maintains an animal.

15. “Serious injury” means an injury that constitutes an animal’s protracted or permanent disfigurement, the protracted or permanent impairment of an animal’s health, the protracted or permanent impairment of the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

16. “Threatened animal” means an animal that is abused as provided in [section 717B.2](#), neglected as provided in [section 717B.3](#), or tortured as provided in [section 717B.3A](#).

17. “Veterinarian” means a veterinarian licensed pursuant to [chapter 169](#) who practices veterinary medicine in this state.

[94 Acts, ch 1103, §12; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2002 Acts, ch 1130, §2; 2013 Acts, ch 90, §201; 2020 Acts, ch 1111, §3, 4](#)

Referred to in [§717D.1](#), [717F.7](#), [717F.10](#)

717B.2 Animal abuse — penalties.

1. A person commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning.

2. [This section](#) shall not apply to any of the following:

a. An owner of the animal, or a person acting with the consent of the owner, who euthanizes an animal in a reasonable manner, if at the time of the euthanasia, the animal is in a state of permanent pain or suffering.

b. A person acting to carry out an order issued by a court.

c. A veterinarian practicing veterinary medicine as provided in [chapter 169](#).

d. A person acting in order to carry out another provision of law which allows the conduct.

e. A person taking, hunting, trapping, or fishing for a wild animal as provided in [chapter 481A](#).

f. A person acting to protect the person’s property from a wild animal as defined in [section 481A.1](#).

g. A person acting to protect a person from injury or death caused by a wild animal as defined in [section 481A.1](#).

h. A person reasonably acting to protect the person’s property from damage caused by an unconfined animal.

i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

k. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

l. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

4. A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class “D” felony if the person has previously been convicted of committing animal abuse pursuant to [this section](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant

to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

[94 Acts, ch 1103, §13](#); [2008 Acts, ch 1058, §20](#); [2020 Acts, ch 1111, §5](#)

Referred to in [§162.10A](#), [717B.1](#), [717B.3](#), [717B.3A](#), [717B.3B](#)

717B.3 Animal neglect — penalties.

1. A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare:

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 subsection](#).

(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 issued or renewed an authorization to operate a commercial establishment, 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, subsection 1](#), including any applicable rules adopted by the department applying to any of the following:

(a) A state licensee or registrant operating pursuant to [section 162.10A, subsection 2](#), paragraph "a" or "b".

(b) A permittee operating pursuant to [section 162.10A, subsection 2](#), paragraph "c".

b. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

3. A person who commits animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor.

4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

5. A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

6. Notwithstanding [subsection 5](#), a person who commits animal neglect that causes serious injury or death to an animal is guilty of a class "D" felony if the person has been previously convicted of animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [this section](#), animal

torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

94 Acts, ch 1103, §14; 95 Acts, ch 49, §25; 2008 Acts, ch 1058, §21; 2014 Acts, ch 1092, §147; 2020 Acts, ch 1111, §6

Referred to in §162.10A, 717B.1, 717B.2, 717B.3A, 717B.3B

717B.3A Animal torture — penalties.

1. A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury or death.

2. [This section](#) shall not apply to any of the following:

- a. A person acting to carry out an order issued by a court.
- b. A veterinarian practicing veterinary medicine as provided in [chapter 169](#).
- c. A person acting in order to carry out another provision of law which allows the conduct.
- d. A person taking, hunting, trapping, or fishing for a wild animal as provided in [chapter 481A](#).
- e. A person acting to protect the person's property from a wild animal as defined in [section 481A.1](#).
- f. A person acting to protect a person from bodily harm or death caused by a wild animal as defined in [section 481A.1](#).

g. A person acting reasonably to protect the person's property from damage caused by an unconfined animal.

h. A person acting reasonably to protect a person from bodily harm or death caused by an unconfined animal.

i. A local authority acting reasonably to euthanize an animal, if at the time of the euthanasia, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

j. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

k. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in [section 232.8](#). The juvenile court shall not waive jurisdiction in a proceeding concerning such an offense alleged to have been committed by a child under the age of seventeen.

4. A person who commits animal torture is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal torture is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [this section](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

2000 Acts, ch 1152, §3; 2008 Acts, ch 1058, §22; 2020 Acts, ch 1111, §7

Referred to in §162.10A, 232.8, 717B.1, 717B.2, 717B.3, 717B.3B

717B.3B Animal mistreatment — court order — evaluation and treatment.

1. At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.

2. Notwithstanding [subsection 1](#), the court shall enter an order described in that subsection, if the convicted person is any of the following:

- a. A juvenile.
- b. An adult convicted of animal abuse punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.2](#), animal neglect punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.3](#), or animal torture pursuant to [section 717B.3A](#).

3. The costs of undergoing a psychological or psychiatric evaluation and undergoing any treatment ordered by the court shall be borne by the convicted person, unless the person is a juvenile.

4. An order made under [this section](#) is in addition to any other order or sentence of the court.

5. Any violation of the court order shall be punished as contempt of court pursuant to [chapter 665](#).

[2020 Acts, ch 1111, §8](#)

717B.4 Dispositional proceedings.

1. Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.

a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.

b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under [section 717B.5](#).

c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of [this chapter](#).

3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:

a. The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.

b. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in [this section](#), the local authority may use the posted amount to offset the local authority’s dispositional expenses.

c. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority’s dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.

d. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. A threatened animal that is ordered by a court to be destroyed under [this section](#) shall be destroyed only by euthanasia as defined in [section 162.2](#).

[94 Acts, ch 1103, §15; 2002 Acts, ch 1130, §3](#)

Referred to in [§602.6405](#), [717B.1](#), [717B.5](#), [717D.5](#), [717F.5](#)

717B.5 Rescue of threatened animals.

A local authority may provide for the rescue of an animal as follows:

1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to [chapter 169](#). The law enforcement officer may rescue the animal by entering on public or private property, as provided in [this subsection](#). The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

2. a. If an animal is rescued pursuant to [this section](#), the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:

(1) Delivering written notice to the responsible party's last known address by the United States postal service or personal service.

(2) Posting a notice in a conspicuous place at the location where the animal was rescued.

b. The notice shall state that the animal has been rescued by the local authority pursuant to [this section](#).

3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to [section 717B.4](#).

4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to [section 717B.4](#).

[94 Acts, ch 1103, §16; 2002 Acts, ch 1130, §4; 2013 Acts, ch 30, §261](#)

Referred to in [§717B.1](#), [717B.4](#)

717B.6 Destruction and disposition of wild animals.

A person may humanely destroy a wild animal as defined in [section 481A.1](#), if the wild animal is permanently distressed by injury or disease to a degree that results in severe and prolonged suffering. The destroyed animal shall be subject to disposition as provided by rules adopted by the natural resource commission pursuant to [chapter 17A](#).

[94 Acts, ch 1103, §17](#)

717B.7 Repealed by [2002 Acts, ch 1130, §10](#). See [chapter 717D](#).

717B.8 Abandonment of cats and dogs — penalties.

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

2. [This 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 custody of the cat or dog.

b. The delivery of a cat or dog to an animal shelter or pound as defined in [section 162.2](#) that has been issued or renewed a valid authorization by the department under [chapter 162](#).

c. 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.

3. a. A person who commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.

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.

c. A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

[94 Acts, ch 1103, §19; 2020 Acts, ch 1111, §9](#)

Referred to in [§717B.1](#)

717B.9 Injury or interference with a police service dog.

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

a. Tortures a police service dog.

b. Injures, so as to disfigure or disable, a police service dog.

c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.

d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.

e. Kills a police service dog.

f. Administers poison to a police service dog.

3. As used in [this section](#), "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.

4. [This section](#) does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

[94 Acts, ch 1103, §20; 95 Acts, ch 107, §1](#)

Referred to in [§717B.1](#), [717B.2](#), [717B.3](#), [717B.3A](#)



107 West 16th Street, Storm Lake, IA 50588, 712-732-2033

To: City of Storm Lake
From: Dr. Dianne Johnson DVM – Lake Animal Hospital
Re: Animal Control Rescue and Management
February 19, 2024

Overview

It has come to our attention that there has been a lack of communication and expectation between Lake Animal Hospital and the City of Storm Lake when it comes to the expenses of stray animals brought into the clinic. However, we would like to continue assisting our community with the stray population. Unfortunately, the current relationship with the City is not sustainable because of the financial strain on Lake Animal Hospital to handle and manage the stray population. We hope that a new agreement can be reached with a realistic cost the city is willing and able to pay for the caring of the neglected, abandoned and abused strays.

Lake Animal Hospital should not be solely responsible for the financial responsibilities of the strays brought in by the Storm Lake Police Department (SLPD). As a place of business, we strive to provide the best quality care to our clients and community. To continue to provide quality care, the city needs to be financially responsible for the stray animals brought into us by the SLPD. We have come up with a solution to appease both Lake Animal and the City of Storm Lake.

Sections are as follows:

1. Neglect and abuse cases
2. Hoarding cases
3. Rabies watch
4. Everyday stray sick animals (such as a sick or injured felines or canines)
5. Everyday healthy stray animals
 - 5A. Feline intakes and SNAP testing
 - 5B. Canine intakes
 - 5C. Intake of other breed animals
6. Cost of medical care, treatment and boarding

Section 1: Neglect and Abuse

The city will be held financially responsible for the care and payment to Lake Animal Hospital. If the city so chooses, they may seek restitution from the party and/or parties responsible for neglect or abuse. Lake Animal Hospital can provide an itemized list of services provided.

In the event of neglect or abuse, Lake Animal Hospital will provide food, water, shelter, and the necessary medical care to the animal. Lake Animal will also provide medical treatment to the animal(s), at the expense of the city.

Section 2: Hoarding

In the event of an animal hoarding situation, the city will be responsible for the cost of care and treatment of the animals. The city will also be held responsible for the cost of possible life-saving surgeries or euthanasia. If the city so chooses to seek restitution from the party or parties responsible for hoarding animals, Lake Animal Hospital will provide an itemized list of services provided.

Section 3: Rabies Watch

Any canine or feline brought to us by the police department for biting a human will be quarantined for 10 days and will be given a rabies shot after the 10 days. The city will be held responsible for paying \$300.00 for the quarantine. If the city so chooses to seek restitution from the animal's owner, we can provide them with an itemized invoice. If the city cannot provide payment for rabies watches we will be unable to house rabies watches.

Section 4: Everyday Stray Sick Animals

A stray animal that is unwell brought into Lake Animal Hospital will receive urgent and proper medical care, at the expense of the city. In section 6, there is an approximate cost of what the city will be expected to pay Lake Animal Hospital.

Section 5: Everyday Healthy Stray Animals

Stray animals brought to Lake Animal, will be placed on hold for 7 days and pictures and descriptions of the animal will be placed on the clinic's Facebook page. After these 7 days, the animals become Lake Animal property. The city will be required to pay for vaccination, any SNAP testing required, boarding, and microchipping. If the animal is claimed in those 7 days the owner will be held financially responsible for vaccination, any SNAP testing, and microchip. The owner will also be required to pay a stray pick-up fee to Lake Animal Hospital.

Section 5A: Feline Intakes and SNAP Test

All feline intakes brought to Lake Animal Hospital will be tested for FIV (spread through bites) and FELV, the cost of these tests will be expected to be covered by the City of Storm Lake. All feline intakes will receive age-appropriate vaccinations, at the expense of the city. The only felines that will make the requirement to be seen by us by the police will be any feline that can fit in the palm of the officer's hand or is sick or injured.

- Vaccinations \$20
- 7 days Room/Board (R/B) \$70
- Feline Leukemia (FeLV) and Feline Immunodeficiency (FIV) Viruses \$25
 - Feline Intake Total \$115

The Feline SNAP Test is required by Lake Animal Hospital to ensure the safety of our clients' feline friends. The Feline SNAP test is to test to see if a feline patient has FIV or FELV. Both FIV and FELV are highly contagious amongst felines. First, testing for this will help in the decision to euthanize the feline or not possibly. If the feline is positive for FELV (feline Leukemia) it will be euthanized due to its high mortality rate amongst felines.

If the feline is positive for FIV (feline immunodeficiency virus) the feline will be evaluated by the doctor. The FIV mortality rate is very low because they can live a long life under the right care but will need to be quarantined from healthy cats.

Section 5B: Canine intakes

Canines brought to us by the police department will receive the following: age-appropriate vaccinations (such as Rabies and Distemper), a microchip, and a Heartworm test. Canines if found to have fleas or ticks will also receive flea and tick prevention. The city will be required to pay for these services.

If the canine is claimed in 7 days, the owner of the canine will be expected to pay for those services, and they will receive a stray pick-up fee here at Lake Animal. If the canine does go back to its owner, the city will not be held financially responsible for the canine.

- Distemper Rabies \$20
- Microchip \$20
- Heartworm Test \$25
- 7 days Room/Board (R/B) \$70
 - Canine Intake Total \$135

Section 5C: Intake of other breed animals

The city of Storm Lake will be required to contact Lake Animal Hospital for any other animals including but not limited to rabbits, birds, reptiles, ect. The cost of care for any other animals aside from felines and canines may be subject to change, as some supplies for proper care of these pets will likely need to be purchased. The city of Storm Lake will be required to pay the boarding cost of any other animals that are not dogs or cats.

Section 6: Cost of Medical Care, Treatment and Boarding

The cost of medical care and treatment is subject to change. The cost of all medical services and medications will be paid for by the city of Storm Lake. There will be discounted services, medications, and surgeries.

The city will be responsible in paying for the following and is subject to change:

- Distemper-Rabies \$20
- Microchip \$20
- Canine Heartworm Test \$25
- 7 days Room/Board (R/B) \$70
- Feline Leukemia (FeLV) and Feline Immunodeficiency (FIV) Viruses SNAP Test \$25
- Any life-saving surgeries will be half-price
- Euthanasia \$50
- Any medications needed by any stray animals will be at cost with a markup between 15-25%
- Necessary vaccinations for both canines and felines will be each sold at \$10

Boarding costs of stray animals will be taken care of by the city of Storm Lake. The boarding cost of \$10 per night for the stray animals includes the cost of labor and food attributed to care for the strays.