

ORDINANCE NO. 061-11

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 23 THEREFROM AND ENACTING A NEW CHAPTER 23 IN LIEU THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Chapter 23 of the Municipal Code, City of Cedar Rapids, Iowa, is amended as follows:

Section 1. That Chapter 23, Municipal Code, City of Cedar Rapids, Iowa, be repealed and the following new Chapter 23 be enacted in lieu thereof:

“CHAPTER 23 CATS, DOGS AND OTHER ANIMALS

CHAPTER 23 CATS, DOGS AND OTHER ANIMALS

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23.02 RABIES VACCINATION.

23.03 RABIES VACCINATION CERTIFICATES AND TAGS.

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23.01 DEFINITIONS.

Terms used in this chapter shall have the following meanings:

Adequate food: Fresh nutritious food suitable for the species provided continuously or at suitable intervals in a sanitary manner in quantities sufficient to allow for normal growth or maintain good health and body weight in an animal considering its age and condition.

Adequate protection from the elements: A protected area, in addition to a doghouse or similar structure, that provides shade from the sun and protection from wind, rain, snow and extremes of hot and cold.

Adequate shelter: A dog house or similar structure, for each animal chained, tethered, penned or otherwise restrained or confined outdoors, suitable for the species, age, condition and size of the animal; that has solid sides, floor and top that do not leak air or moisture and a cover over the doorway which keeps the doghouse or structure dry and allows the animal unlimited access and egress from the doghouse or structure; is clean, safe, enables the animal to be clean and dry and protects the animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is large enough for the animal to stand up, lie down and stretch comfortably and make all other normal bodily movements in a comfortable, normal position for the animal; has a floor that is elevated from the ground and contains insulation between the floor and ground. A carrier or crate is not adequate shelter.

Adequate water: Continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a secure manner so that the container cannot be overturned.

Animal: A living creature, not human, and being either domestic or wild.

Animal Control Officer: An employee of animal control designated to enforce laws pertaining to animals.

Animal Control Shelter: Any premises designated by the City Council for the humane care of all impounded animals.

Animal Display: Any exhibition, act, fair, circus, rodeo, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are on display for public viewing whether or not a fee is charged. Animal display shall not include the display of animals for adoption or educational purposes by licensed and/or non-profit groups.

At large: Off the premises of the owner, unless:

- (1) The animal is on a leash, chain, or similar restraint not more than 6 feet in length and under the control of the owner or walker;
- (2) The animal is within a motor vehicle;
- (3) The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter;
- (4) The animal is wearing an off-leash park permit tag and is within the boundaries of the area designated as an off-leash area by the Cedar Rapids City Council;
- (5) The animal is trained and used by a government agency and accompanied by the appropriate government agency handler.

Cat: Any member of the feline species.

Chicken: (*Gallus gallus domesticus*) is a [domesticated fowl](#).

Dangerous animal: A dangerous animal is defined as one who meets one or more of the following conditions:

- (a) Any animal which attacks, bites, or has a history of attacking a human being or other domestic animal one or more times, without provocation.
- (b) Any animal engaging in or found to have been trained to engage in exhibitions of fighting.
- (c) Any animal previously declared a potentially dangerous animal that bites a human being without provocation.

Dog: Any member of the canine species.

Educational purposes: Teaching and instructing with the intent and effect of imparting knowledge to others.

Housing: Any location where an animal is normally kept.

In heat: A female animal during the active state of estrus.

Licensed kennel cat and/or dog: Cats and/or dogs kept or raised in a state or federal licensed kennel solely for the purpose of show, breeding, boarding or sale and kept under constant restraint.

Livestock: For purposes of this chapter livestock is defined as fowl other than urban hens as defined in Chapter 23A, swine, sheep, goats, llamas, horses and cattle.

Manager: The person employed by the City of Cedar Rapids as the Animal Control Manager. This person shall have all the powers and authority of an Animal Control Officer for purposes of carrying out duties and functions provided in this chapter, and is the primary person responsible for the care and humane treatment of animals at the Shelter.

Owner: Any person who owns, keeps, harbors or knowingly permits an animal to remain on or about any premises owned or occupied by that person.

Person: Any individual, association, corporation, partnership, organization or institution commonly recognized by law as a unit.

Pet shop: Any business established for the purpose of buying, selling, or boarding of animals, excepting kennels.

Potentially Dangerous: A potentially dangerous animal is defined as one who meets one or more of the following conditions, as determined by the Manager or the Manager's designee:

- (a) Any animal that when unprovoked: (i) inflicts an injury on a human being that does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- (b) Any specific animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Premises: A tract of land including the buildings thereon.

Proper enclosure of a potentially dangerous animal means, while on the owner's property, a potentially dangerous animal is securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and secure top to prevent the animal from escaping over, under, or through the structure, and shall also provide adequate food, adequate water, adequate shelter and adequate protection from the elements.

Residence: The place where a person or persons live.

Responsible person: means a person at least 18 years old who is familiar with a given animal and has the size and experience to be able to keep the animal under complete control at all times.

Service animal: Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability or that serves public health, safety and law enforcement, as well as any dog enrolled in a recognized formal training program for those types of services.

Urban Chicken – for the purpose of this ordinance shall also be known as “Urban Hen” that refers to female chickens only regardless of species.

Walker: Any person responsible for having control over an animal when it is off the premises of its owner.

Wild or exotic animals: Any or all of the following animals, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals:

- (1) Nonhuman primates and prosimians (such as chimpanzees, monkeys);
- (2) Felids, except domesticated cats;
- (3) Canids, including wolf hybrids and except domesticated dogs;
- (4) Ursids (bears);
- (5) Elephants;
- (6) Marine mammals (such as whales, seals, sea lions, dolphins and otters);
- (7) Crocodylians (such as alligators and crocodiles);
- (8) Marsupials (such as kangaroos and opossums);
- (9) Ungulates (such as hippopotamus, rhinoceros, giraffe, camel, zebra, deer);
- (10) Hyenas;
- (11) Mustelids (such as skunks, weasels, otters and badgers);
- (12) Procyonids (such as raccoons and coatis);
- (13) Edentates (such as anteaters, sloth and armadillos);
- (14) Viverrids (such as mongooses, civets and genets).
- (15) All venomous and constricting snakes as defined in Iowa Code 717F.1(8), (9), and (10).

Wildlife rehabilitation permit: A permit which authorizes the holder to take and temporarily possess injured or orphaned state-protected species of birds, mammals, amphibians or reptiles with the intent to return the animal to its natural habitat as soon as possible.

Wildlife Rehabilitator: A person possessing an Iowa DNR Rehabilitators Permit and operating within the corporate limits of the City of Cedar Rapids, Iowa.

23.02 RABIES VACCINATION.

- (a) It shall be unlawful for any person to own a cat or dog over 4 months of age which has not been currently vaccinated against rabies in accordance with the Compendium of Animals Rabies Control as compiled by the National Association of State Public Health Veterinarians, Inc. All vaccines used shall be of a type approved by the United States Government and the state division of health.
- (b) Any animal for whom a veterinarian has provided an exemption statement that a rabies vaccination would be detrimental to the animal's health shall be exempt from the provisions of subsection (a) of this section.
- (c) Only veterinarians who are duly registered and licensed by the State of Iowa, are hereby authorized to vaccinate dogs, cats, or ferrets against rabies.
- (d) Evidence of such vaccination for a dog or cat shall consist of a certificate of vaccination executed in triplicate, issued and signed by the veterinarian administering the vaccine.
- (e) Upon vaccination for rabies, the licensed veterinarian shall provide the animal's owner with a rabies vaccination certificate.
- (f) The cost of rabies vaccination shall be borne by the owner of the animal.

23.03 RABIES VACCINATION CERTIFICATES AND TAGS.

Every cat or dog over 4 months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when off the owner's premises. The owner shall display the rabies vaccination tag and certificate, or veterinarian's exemption statement, to the Animal Control Officer upon demand.

23.04 VETERINARIAN REQUIREMENTS.

The veterinarian shall, upon request from the animal control shelter, supply the name, address and telephone number of the owner and current rabies information for any cat or dog involved in an incident posing a public health or safety risk, or for owner identification to aid in stray pet recovery.

23.05 DUTY OF OWNER.

- (a) The owner shall attach a current rabies tag and permanent identification to their cat or dog's collar with the owner's name, address and telephone number at all times when off the owner's property. Identification need not be worn if the animal is micro-chipped and the microchip is registered in the owner's name. A rabies tag is not required if the cat or dog has a veterinarian's exemption statement.
- (b) The owner shall notify the veterinarian who most recently vaccinated their cat or dog for rabies of any change of address within 5 days of moving.
- (c) When permanent ownership of a cat or dog is transferred, the original owner must notify the veterinarian who most recently vaccinated their cat or dog for rabies that they are transferring ownership and the new owner's name, address and telephone number within 5 days after the transfer.
- (d) It shall be unlawful for an animal to run at large. A third violation of running at large by an unaltered animal shall result in mandatory spay/neuter of the animal, at the owner's expense.
- (e) It shall be unlawful to harbor or maintain animals in such a condition as to create unhealthful or unsanitary conditions for humans or animals occupying the premises. If such conditions exist, the Manager or designee is authorized to make an investigation. After notice and meeting with the person or persons occupying or maintaining the residence or premises, or the persons harboring or maintaining the animals, the Manager may recommend animals be removed from the residence or premises to remedy or correct the conditions. Upon failure of the person or persons to remedy the conditions, appropriate action may be pursued in the courts to enforce the recommendations of the Manager and/or correct the conditions.
- (f) State and federal licensed kennels are not exempt from this chapter.
- (g) It shall be unlawful to transport an animal other than in the interior of a vehicle. Exception: an animal may be transported in the bed of a pickup truck if it is confined in an enclosed pickup bed (e.g., pickup with topper) or confined in a secured carrier or crate made of wood or plastic, that provides adequate protection from the elements and is appropriate for the animal's condition, age, size and species and with air vents and a latching door.
- (i) It shall be unlawful for any person to allow any animal to remain unattended in a motor vehicle when the animal's life, health or safety is threatened.
- (j) It is unlawful for any person to leave a domesticated animal at any location within the city without providing for the animal's continued care and treatment.
- (k) It shall be unlawful for any person to keep any fowl within the city without a written permit issued by the animal control permit/licensing clerk which shall specify the conditions under which the animal must be kept.
- (l) It shall be unlawful for any person to keep, harbor or knowingly permit livestock as defined in Section 23.01 to remain on or about any premises owned or occupied by that person.

23.06 ANIMAL NOISE.

- (a) It is unlawful for any person(s) to own any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, or making any other noise by its volume or frequency unreasonably disturbs or interferes with the peace of any person(s) for more than fifteen minutes in any one-hour period of any day, and is documented by three or more separate episodes of such noise in a sequential seven-day period.
- (b) The burden is upon the owner of such animal(s) to maintain quiet.
- (c) Exceptions to this subsection are farm animals in permitted zones, commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors otherwise in compliance with the City of Cedar Rapids Municipal Code including, but not limited to those who can substantiate that such animal noise was caused by an injury or illness of the animal(s) or by willful trespass, torment, or abuse of the animal(s) on its property by others.
- (d) Enforcement may be undertaken only upon written receipt of a complaint made to either the animal control authority or law enforcement by a person(s) residing at or who is employed in an area affected by such public noise disturbance.
- (e) Any such animal(s) shall be deemed a nuisance and may be seized and impounded, if the disturbance reoccurs after the owner or custodian of such animal(s) has received two written warnings from either the animal control authority or law enforcement within a calendar year.
- (f) Violators will be subject to City of Cedar Rapids Ordinance 56.02 and/or 62.01(b)(2011) and any other applicable ordinances.

23.07 HARASSMENT OF ANIMALS PROHIBITED.

It shall be unlawful for a person to tease, torment, agitate or attack any animal.

23.08 IMPOUNDMENT OF ANIMALS.

(a) An Animal Control Officer may apprehend any animal running at large. Upon impoundment the animal control shelter employee shall make a registration for such animal, entering the species, breed most predominant, color and sex of the animal.

(b) A microchip shall be implanted in all at large and impounded animals other than permitted and banded urban chickens. The microchip identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration.

(c) A third violation of running at large by an unaltered animal shall result in mandatory spay/neuter of the animal at the owner's expense.

23.09 DISPOSITION OF IMPOUNDED ANIMALS.

(a) If the owner is unknown an impounded animal shall be kept a minimum of 5 business days (Monday through Saturday except holidays), and thereafter may be adopted or humanely destroyed.

(b) If the owner is known or determined, and has not reclaimed or redeemed an impounded animal within 5 business days, the owner will then be sent notice by registered mail to their last known address that the impounded animal will be put up for adoption, rescue or foster, or humanely destroyed within 7 days of the date of the notice. If the owner has not reclaimed or redeemed the animal within said 7-day period, the animal thereafter may be adopted, rescued, placed in foster care, or humanely destroyed.

(c) Upon impoundment an animal shall immediately be put up for adoption or rescue, but shall not be adopted out, sent to rescue or placed in foster care until the waiting periods set forth in subsections (a) and (b) expire.

(d) Any animal deemed abandoned pursuant to this Chapter may be made available for adoption, rescue or foster at the discretion of the Manager.

(e) Nothing in this section shall be construed so as to limit the City's authority to proceed pursuant to other law concerning the disposition of animals.

23.10 DESTRUCTION OF ANIMALS AT LARGE.

In order to ensure the safety of the public, it shall be lawful for an Animal Control Officer or Sworn Police Officer to humanely destroy any animal found at large which cannot be captured following all reasonable attempts at capture.

23.11 DISPOSITION OF DISEASED AND INJURED ANIMALS.

The Manager may have any diseased or injured animal found at large euthanized or impounded. Impounded animals that contract a contagious disease or diseases may be euthanized. If the owner of the animal is known or determined, every reasonable effort will be made to notify the owner before the animal is subject to euthanasia. If contacted, the owner's request regarding the disposition of the animal will be honored unless the Manager determines it is inhumane to the animal.

23.12 CONFINEMENT OF FEMALE ANIMALS IN HEAT.

The owner of any female animal in heat shall confine said animal inside the house or buildings on the owner's premises during the heat period. The owner may remove the animal in heat from his/her premises for purposes of defecating, urinating, breeding and/or appointments with the veterinarian providing the animal is on a leash, chain, or similar restraint not more than 6 feet in length and is under the control of the owner.

23.13 ANIMAL SHELTER.

The animal shelter established and maintained by the city shall be operated by the Manager under the supervision, direction and control of the Police Department.

23.14 POWERS OF MANAGER, ANIMAL CONTROL OFFICERS, AND CITY POLICE OFFICERS.

The Manager, Animal Control Officers, and city Police Officers shall have powers to enforce the provisions of Chapter 23 and 23A of the Cedar Rapids Municipal Code and any other provisions of law relating to animals, including but not limited to provisions concerning disposition of threatened animals set forth in Iowa Code Chapter 717B (2011 and as amended from time to time).

23.15 UNHEALTHFUL OR UNSANITARY CONDITIONS AND OTHER REGULATIONS.

- (a) An owner shall maintain all structures, pens, coops, kennels, yards or other areas wherein animals are confined in a clean and sanitary condition, devoid of vermin, and free of odors arising from feces and urine.
- (b) The owner or walker of any animal shall remove any feces discharged by the animal upon any public or private property.
- (c) All feces shall be placed in an airtight container, and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner.
- (d) An owner may, as an alternative to subsection (c) above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

23.16 ABUSE OF ANIMALS.

The following acts shall constitute abuse of animals, and shall subject the owner or other person to the penalty provisions of state law, the Municipal Code and the Animal Control Ordinance:

- (a) Failure to provide the animal unlimited access to adequate food, adequate water and easy access to adequate shelter and adequate protection from the elements;
- (b) Beating, tormenting, overloading or overworking an animal;
- (c) Permitting or encouraging any combat between animals, or between animals and humans;
- (d) Abandoning any animal;
- (e) Exposing any known poisonous material with the intent of allowing or encouraging the material to be eaten by any bird, fowl or domesticated animal;
- (f) Failure to maintain sanitary conditions where animals are kept;
- (g) Harboring or owning any sick, diseased or injured animal without procuring veterinary care for said animals;
- (h) Maintaining an animal in such conditions and hygiene that the animal is unable to walk or move normally, conduct routine bodily functions, or stay clean, and free of disease and parasites;
- (i) Leaving an animal in a vehicle, on a vehicle, tethered or confined for a length of time that could result in danger to or death of an animal. If the Manager determines that such an animal is in immediate danger, the Manager or designee may remove the animal by whatever means is necessary without liability, for the purpose of taking the animal into protective custody;
- (j) Intentionally injuring, maiming, disfiguring, mutilating or destroying an animal by any means that causes pain or suffering;
- (k) Animals shall not be involved in animal displays when the heat index temperature falls below 30 degrees Fahrenheit with wind chill factor applied or the heat index reaches or exceeds 85 degrees. Temperature range for livestock is 10 degrees Fahrenheit to 110 degrees Fahrenheit;
- (l) Chaining, tethering, penning or otherwise restraining or confining an animal outdoors for more than 15 minutes without unlimited access to adequate food, adequate water, adequate shelter and adequate protection from the elements when the temperature falls below 30 degrees Fahrenheit with wind chill factor applied or when the heat index reaches or exceeds 85 degrees.
- (m) Chaining, tethering, penning or otherwise restraining or confining an animal outdoors without providing the animal unlimited access to an area, in addition to their doghouse or similar structure, that provides adequate protection from the elements.

23.17 DISPOSITION OF ABUSED ANIMALS.

- (a) Any animal suspected of being abused may be seized by an Animal Control Officer and impounded in the animal shelter.
- (b) If an owner refuses the Animal Control Officer entry upon property to view an animal suspected of being abused, the officer may request a search warrant from a magistrate. Such requests shall detail the reason why the warrant is necessary and why the Animal Control Officer has reason to believe a violation of this chapter exists.
- (c) In connection with such seizure, the owner/suspected abuser of the animal shall be charged with the appropriate violation of this chapter.
 1. If the suspected abuser is ultimately found not guilty of abuse, the animal involved shall be returned to the owner and the owner shall bear no cost of impoundment. If after the conclusion of the court case, the owner does not redeem the animal, it will be held 7 days and thereafter put up for adoption, rescue, placed in foster care, or humanely destroyed as deemed appropriate by the Manager.
 2. If the suspected abuser is found guilty of or pleads guilty to abuse, the animal may be put up for adoption, placed with rescue or foster care or humanely destroyed as deemed appropriate by the Manager.

(d) Nothing in this section shall be construed so as to limit the City's authority to proceed pursuant to other law concerning the disposition of animals.

23.18 RESTRAINT AND CONFINEMENT OF ANIMALS.

(a) An owner shall confine animals in such a manner as to avoid injury to the animals or to others and to ensure unlimited access to adequate food, adequate water, and easy access to adequate shelter, and adequate protection from the elements.

(b) An owner using a fenced yard to confine an animal must ensure the fence is of sufficient height, condition and security to prevent escape or removal of the animal.

(c) An owner using an enclosure to confine an animal must:

1. Use a secure enclosure constructed of chain link or similar material with all 4 sides enclosed;

2. Use an enclosure of sufficient height to prevent the animal from escaping from such enclosure and cover the enclosure with adequate materials to provide the animal with adequate shelter and shade and adequate protection from the elements;

3. Ensure the width of the enclosure is at least twice the length of the animal and the length of the enclosure is at least 4 times the length of the animal, as measured from the tip of its nose to the base of its tail. The area of the enclosure shall be 50 percent larger for each additional animal, using the length of the largest animal as the base measurement. Size requirements do not include space taken by a doghouse, shelter or similar structure whether inside or outside the enclosure. Each additional animal must be provided its own individual adequate shelter.

(d) An owner may use a chain or tether to restrain an animal, only on the owner's property and only under the following conditions:

1. No animal shall be restrained by a chain or tether for more than 8 hours in a 24 hour period;
2. No animal may be tethered to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, from extending over an object or edge that could result in strangulation of or injury to the animal, and shall be of sufficient length in proportion to the size of the animal, but no less than 12 feet in length, to allow the animal proper exercise and unlimited access to adequate food, adequate water, easy access to adequate shelter, and adequate protection from the elements. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to persons, the chained or tethered animal, or other animals. The chain or tether must have a swivel at both ends.
3. The chain or tether shall not weigh more than 1/8 of the animal's body weight;
4. The chain or tether must be attached to a properly fitting collar or harness worn by the animal. Choke or prong collars are prohibited;

(e) During cold temperature extremes an animal's outdoor exposure shall be limited per Section 23.16(l) of this chapter.

23.19 DISPOSING OF, GIVING AWAY OR SELLING ANIMALS.

(a) It shall be unlawful to give as a prize any live animal, bird or fish.

(b) It shall be unlawful to dispose of or offer for sale any live animal, bird or fish upon any public property.

23.20 POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS.

(a) The Animal Control Manager or his/her designee may impose special security and/or care requirements upon the owner of a potentially dangerous animal, such as but not limited to:

1. A potentially dangerous animal shall be contained in a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous animal;
2. The potentially dangerous animal will be spayed or neutered;
3. The potentially dangerous animal will be implanted with a microchip containing owner identification information. The microchip information must be registered with the animal control authority; and
4. The owner of the potentially dangerous animal may be required to enter the animal in a socialization and/or behavior modification program approved or offered by the Animal Control Manager.

(b) No animal declared potentially dangerous is allowed outside a proper enclosure unless the potentially dangerous animal is under the control of a responsible person as defined in Section 23.01, and muzzled and restrained in accordance with the specifications of the Animal Control officer. Any muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human being or other animal.

- (c) No animal may be declared dangerous or potentially dangerous that inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner or lessee of the animal, or committing or attempting to commit a crime.
- (d) No animal may be declared dangerous or potentially dangerous for taking any action to defend or protect a human being or other animal within the immediate vicinity of the animal from an unjustified attack or assault.
- (e) No animal used in connection with lawful activities of law enforcement officials shall be declared a dangerous or potentially dangerous animal.

23.21 WILD OR EXOTIC ANIMALS AND DANGEROUS ANIMALS.

- (a) No person shall own, keep or harbor a wild or exotic animal or dangerous animal within the city.
- (b) The following are hereby excluded from the requirements of this section only if they are in compliance with the State and Federal Animal Welfare Act and other regulations:
 1. Public zoos; fully accredited educational or medical institutions; Cedar Rapids Animal Shelter; public museums where such dangerous animals are kept as live specimens for public viewing; or for the purpose of instruction and research;
 2. Exhibitions to the public by a traveling circus, carnival, exhibit or show, duly licensed in accordance with the ordinances of the City of Cedar Rapids;
 3. Wild or exotic animals or dangerous animals in a licensed veterinary hospital for treatment;
 4. Wild or exotic animals or dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission;
 5. Animals possessed under authority of a state-issued game breeder's license or scientific collector's license;
 6. Wild or exotic animals or dangerous animals maintained by the federal, state, county, or city government, or its designee, pursuant to the enforcement of this chapter.

23.22 DISPOSITION OF WILD OR EXOTIC ANIMALS AND DANGEROUS ANIMALS

- (a) Any animal suspected of being a wild, exotic animal or dangerous animal may be seized by an Animal Control Officer and impounded in the animal shelter. In the event the animal cannot be caught by the Animal Control Officer without exposing the officer and/or citizens to danger or personal injury the animal may be humanely destroyed.
- (b) If an owner refuses the Animal Control Officer entry upon property to view an animal suspected of being a wild, exotic animal or dangerous animal, the officer may request a search warrant from a magistrate. Such requests shall detail the reason why the warrant is necessary and why the Animal Control Officer has reason to believe a violation of this chapter exists.
- (c) In connection with such seizure, the owner of the animal shall be charged with the appropriate violation of this chapter.
 1. If the owner is ultimately found not guilty of a violation under this section, the animal involved shall be returned to the owner and the owner shall bear no costs of the confinement. If after the conclusion of the court case, the owner does not redeem the animal, it will be held 7 days and thereafter transferred to a registered or licensed facility, or humanely destroyed as deemed appropriate by the Manager.
 2. If the owner is found guilty of or pleads guilty to a violation under this section, the owner is subject to all of the penalties set forth in Section 364.22, Iowa Code (2011 and as amended hereafter), which may include an order to abate the violation by having the animal humanely destroyed by the Manager or a designee. In addition, Animal Control Officer has the option of relocating the wild, exotic animal or dangerous animal.
 3. If the owner is found guilty of or pleads guilty to a violation of this section, the owner shall pay all confinement and veterinary expenses necessitated by the seizure of the animal for the protection of the public and such other expenses as may be required for the destruction or relocation of the animal.
- (d) Nothing in this section shall be construed so as to limit the City's authority to proceed pursuant to other law concerning the disposition of animals.

23.23 BEES.

It shall be unlawful for any person to keep or harbor bees unless same is specifically authorized under the Cedar Rapids Zoning Ordinances as agricultural or commercial use.

23.24 REMOVING ANIMALS FROM THE ANIMAL SHELTER.

It shall be unlawful for any person or persons to open any gate, bars, door, fence, partition, shed, coop, or any portion of the animal shelter with the intent to allow the animals to escape.

This section shall not apply to any Animal Control Officer who removes an animal for return to an owner after the proper redemption of the animal, or other officials in the performance of their duties.

23.25 QUARANTINE OF ANIMALS.

An owner whose animal is suspected of having rabies or other disease communicable to humans, shall place the animal in isolation under quarantine upon the direction of the Manager for 10 days. In the event the animal has had a current rabies vaccination, the Manager may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had a current rabies vaccination, or if it is unknown whether the vaccination is current and evidence is not produced satisfactory to the Manager that the vaccination is current, or for any other reason that the Manager so determines, the animal shall be quarantined at the animal shelter or a licensed veterinary hospital. If the animal is quarantined at the animal shelter or a licensed veterinary hospital all costs of such confinement shall be paid by the owner.

23.26 REPORT OF BITES.

(a) Every physician or other practitioner shall report to the city animal shelter the name and address of any person treated for bites inflicted by an animal with such other information as will assist in the prevention of rabies.

(b) Every veterinarian shall report to the city animal shelter any diagnosis of rabies. Every veterinarian shall report to the city animal shelter the name and address of the owner of any animals treated for bites inflicted by another animal.

(c) Anyone having knowledge of a person being bitten by or receiving a skin abrasion from an animal within the city shall promptly report such fact to the city animal shelter.

23.27 ANIMALS IN PARKS AND ON GOLF COURSES.

(a) No animals shall be allowed within 50 feet of any wading pool, pavilion, playground, or ball field in a city park, except service animals are permitted in and within 50 feet of pavilions.

(b) No animal shall be allowed in any area of a city park unless it is attached to a leash not more than 6 feet in length and of sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal, unless the city park is designated by the Cedar Rapids City Council as an off leash park and the dog is within such park boundaries and displays an off-leash park permit tag.

(c) No animal shall be allowed on any golf course operated by the City of Cedar Rapids.

(d) No animal shall be allowed within the Bever Park zoo area bounded by the security fence, Old Mc Donald's farm or the Schuknecht Water Fowl Exhibit.

23.28 ANIMAL DISPLAY.

Any person or organization desiring to hold an Animal Display including, but not limited to circuses, big cat displays, or hayrides or pony rides must first obtain an Animal Display Permit for the event from the Cedar Rapids Animal Control Department thirty (30) days prior to the commencement of the event, and pay a permit fee.

23.29 REHABILITATOR PERMIT.

A city rehabilitator permit issued without fee to someone possessing an Iowa DNR Rehabilitator Permit maintained for identifying location and type of animal shall be obtained from the Cedar Rapids Animal Control Department.

(a) Permits are renewable and expire after one year.

(b) A rehabilitator shall comply with all regulations of Chapter 23 of the Municipal Code of the City of Cedar Rapids, Iowa.

23.30 BREEDING PERMIT.

- (a) No person shall cause or allow any cat or dog owned or harbored to breed without first obtaining a breeding permit.
- (b) The animal control shelter shall administer a permit program to allow breeding of cats and dogs consistent with criteria and according to procedures contained in this chapter and all other standards of care governing such activities.
- (c) Each applicant who is issued a permit to breed cats or dogs under this section shall pay a breeding permit fee per litter.
- (d) No person shall cause or allow the breeding of a male or female cat or dog without first obtaining a breeding permit issued by the animal control shelter. Breeding permits shall be valid for 12 months, renewable on an annual basis. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:
- (1) No offspring may be sold or adopted and permanently placed until reaching an age of at least 8 weeks and having received age appropriate health testing;
 - (2) No offspring may be sold or adopted until they have begun a course of disease prevention and immunization against common diseases under the direction of a licensed veterinarian;
 - (3) If within 6 months of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall accept the return of the animal and shall become fully responsible for its care;
 - (4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit numbers in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing an animal bred by the permit holder;
 - (5) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the animal control shelter and all other standards of care governing such activities.

23.31 TRAPPING.

It shall be unlawful to trap or attempt to trap any animal with other than a humane, live trap in the city limits except by an authorized government agency. (50-05)

23.32 CITATIONS FOR VIOLATIONS.

Animal Control Officers are authorized to issue and deliver citations to persons accused of violating any of the provisions of this chapter. Any person delivered such citation alleging an offense under this chapter may either appear on it or forward to the office of the Clerk of the Linn County District Court such fine and costs as may be scheduled and shown on the citation, which shall satisfy the obligations of the person charged. In the event of nonscheduled violations, the person must appear before the court for appropriate proceedings.

Nothing in this Chapter shall be construed so as to limit the City's authority to proceed in accordance with other law concerning animal control.

23.33 SCHEDULED OFFENSES AND FINES.

The following scheduled fines are fixed for violations of the designated sections of this chapter.

- (a) The penalty for violation of any of the following specified sections shall be \$75.00 for the first violation, \$150.00 for the second infraction committed within one calendar year, and \$300.00 for the third and subsequent infractions committed within one calendar year. Penalties are doubled for unaltered animals.
- (1) 23.02 (rabies vaccination);
 - (2) 23.03 (rabies vaccination tags);
 - (3) 23.05 (running at large);
 - (4) 23.12 (confinement of females);
 - (5) 23.15 (sanitary conditions);
 - (6) 23.27 (animals in parks and on golf courses); and
 - (7) 23.28 (animal display permit).
- (b) The penalty for violation of section 23.30 (breeding permit) shall be \$75.00 for the first violation, \$150 for the second infraction, and \$300.00 plus mandatory spay/neuter for the third offense.
- (c) The penalty for violation of the Cedar Rapids Animal Noise Ordinance Section 23.06 shall be \$75.00 for the first violation, and \$150 for every subsequent offense.

23.34 FEES.

All fees for the permitting and confinement of animals shall be established by resolution of the City Council. All such fees shall be paid in accordance with the terms of such resolution, or as the same be amended from time to time by the City Council.

Section 2. SEPARABILITY OF PROVISIONS

It is the intention of the Council that each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof other than that affected by such decision.

Section 3. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 4. WHEN EFFECTIVE

That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 5. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.