

**CITY OF MUSCATINE
ORDINANCE 2023-0471**

**ORDINANCE AMENDING TITLE 6, CHAPTER 8 OF THE CITY CODE OF
MUSCATINE, IOWA - ANIMAL REGULATIONS**

WHEREAS, The City of Muscatine's current animal regulation can be found in Title 6, Chapter 8 of the City Code of Muscatine, Iowa; and

WHEREAS, The City of Muscatine desires to ensure the safety and welfare of its residents and the humane treatment of animals; and

WHEREAS, On September 14, 2023, City Staff provided an overview of minor changes to animal regulations for the City of Muscatine, and proposed possible amendments to the City Code; and

WHEREAS, City Council directed City staff to prepare changes to portions of Title 6, Chapter 8 of the City Code of Muscatine, Iowa, related to the regulation of animal registration, dangerous animals, vicious dogs, and irresponsible owners.

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows: The currently adopted versions of Title 6, Chapter 8 of the City Code of Muscatine, Iowa, are hereby deleted and exhibit A, as attached, is hereby adopted in lieu thereof. This ordinance shall be in effect from and after the passage, approval and publication of this ordinance as provided by law.

SECTION 1: **AMENDMENT** “6-8-1 Definitions” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6-8-1 Definitions

For use in this Ordinance, the following terms are defined:

- A. “Adequate Food” means providing, at suitable intervals of not more than twenty-four (24) hours, unless the dietary requirements of the animal so require, a quantity and quality of wholesome foodstuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal.
- B. “Adequate Indoor Shelter” means a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature and sufficient to provide for the animal's health and comfort.
- C. “Adequate Outdoor Shelter” means a structurally sound and weatherproof shelter made up of four (4) solid sides, a roof and a floor off the ground, which provides

adequate protection from exposure to weather conditions and is placed in an area free of debris, feces and standing water. An adequate outdoor shelter must meet the requirements of adequate space. An animal crate is not an adequate outdoor shelter.

- D. "Adequate Sanitation" means cleaning or sanitizing of enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies or odors.
- E. "Adequate Space" means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition.
- F. "Adequate Veterinary Care" means prompt reasonable care provided to a sick, diseased or injured animal by a licensed veterinarian, euthanized in a manner deemed appropriate by the City, or turned over to the City with approval of the Chief of Police, or designee.
- G. "Adequate Water" means reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner.
- H. "Altered" means a neutered male dog or cat which has been rendered sterile by a surgical procedure (orchietomy), or a spayed female dog or cat which has been rendered sterile by a surgical procedure (ovariohysterectomy).
- I. "Animal" means dogs, cats, all domestic animals, and any other animal owned by a person.
- J. "At Large" means any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash, or "at heel" beside a competent person and obedient to that person's command.
- K. "Commercial Establishments" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility as defined in Iowa Code §162.
- L. "Dangerous Animal" means:
 - 1. Any animal as defined in this Chapter and is not a dangerous dog which is not naturally tame or gentle; 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 animal declared to be dangerous by the City Council.
 - 3. The following animals which shall be deemed to be dangerous animals per se:
 - a. Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
 - b. Wolves, coyotes, and foxes;
 - c. Badgers, wolverines, weasels, and skunks;
 - d. Raccoons;
 - e. Bears;
 - f. Monkeys and chimpanzees;

- g. A member of the order crocodilia, including but not limited to alligators, caimans, crocodiles, and gharials;
- h. A member of the order squamata which is any of the following:
 - (1) A member of the family varanidae, which are limited to water monitors and crocodile monitors.
 - (2) A member of the family atractaspidaw, including but not limited to mole vipers and burrowing asps.
 - (3) A member of the family helodermatidae including but not limited to bearded lizards and gila monsters.
 - (4) A member of the family elapidae, viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pitvipers, keelbacks, cottonmouths, and sea snakes.
 - (5) A member of the superfamily henophidia, which are limited to reticulated pythons, anacondas, and african rock pythons.
- i. Snakes that are venomous or constrictors;
- j. Gila monsters; and
- k. Any crossbreed of such animals which have similar characteristics to the animals specified above.
- M. "Dangerous Dog" means any dog that, while on public or private property (including the owner's property)
 - 1. Behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or domestic animal, chasing or approaching a human upon the streets, sidewalks, or any public or private property in a menacing or threatening manner and in an apparent attitude of attack without provocation;
 - 2. Causes injury to a domestic animal; or
 - 3. Has caused a bite injury and is not a vicious dog.
- N. "Dogs" means both male and female animals of the canine species whether altered or not.
- O. "Domestic Animal" means an animal that has been tamed and kept by humans as a work animal, food source, or pet.
- P. "Irresponsible Owner" means an owner that has violated this Chapter one (1) or more times on three (3) separate occasions within a rolling twelve-month period or has violated this chapter on one (1) occasion that is so egregious it may result resulting in determination.
- Q. "Owner" means any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal, including but not limited to feeding, watering, and providing veterinary care.
- R. "Serious Injury" means any physical injury that results in one or more broken bones, multiple bites, or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.
- S. "Tethering" means fastening an animal to a fixed object, including a trolley or pulley,

so as to limit its range of movement using a rope, chain, or similar device.

- T. "Unaltered" means a dog or cat that has not been altered as defined in this Section.
- U. "Unattended Dog" means a dog that is outdoors without the supervision of a person.
- V. "Vicious Dog" means any dog that, while on public or private property (including the owner's property), without provocation or justification bites or attacks a person and causes serious physical injury or death. A dog may also be vicious deemed this after three (3) or more bites causing any level of bodily injury.

SECTION 2: **AMENDMENT** "6-8-3 Registration And License" of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

6-8-3 Registration And License

- A. All dogs or cats six (6) months of age or older shall be registered by an owner who is 18 years of age or older and the owner, except owners of seeing-eye dogs or owners who are confined to a wheelchair who are exempt from paying the registration and licensing fee but shall register their dogs or cats, shall pay the fee to the City in the office of the Department of Finance and Records or designee. The fee required by this Section shall be set by resolution of the City Council and is listed in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances. The license will be in full force and effect until the anniversary date of the rabies vaccination or inoculation of the animal and thereafter shall be renewable as determined by the animals' vaccination schedule.
- B. The provisions of this Section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or animal rescuer or Animal Control Officer or Police Officer or whose owners are nonresidents temporarily within the City for a period not exceeding thirty (30) calendar days.
- C. It shall be a violation of this Section for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees contained in this Section. Any license(s) or penalties paid for with such checks are, in the case of the license, invalid, and in the case of the penalty, still outstanding.
- D. No dog or cat shall be registered or licensed under this Section unless a certificate of a licensed veterinarian certifying to the fact and date of rabies inoculation of such dog or cat shall have been filed with or exhibited to the authorized agent of the City in the Department of Finance and Records or designee, showing vaccination or inoculation as required by Section 6-8-2 of the City Code.
- E. Upon payment of the fee as provided in this Section and upon producing a certificate of inoculation or vaccination, the agent of the City in the Department of Finance or designee shall furnish to the person paying such fee a numbered license tag and memorandum of registry for each dog or cat for which such fee has been paid. It shall

be a violation of this Section for any person to sell or transfer ownership of any dog or cat over six (6) months of age without a dog or cat license.

- F. The Department of Finance and Records or designee shall keep a complete registry of all licensed dogs and cats, their breed, color and sex, and shall also enter therein the name and address of the owner as given and the number of the license tag.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

First Reading: 11/16/23

Second Reading:

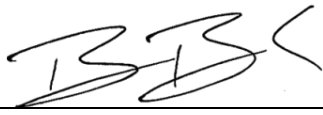
Third Reading:

Publication:

PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
DECEMBER 21, 2023.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Carol Webb, City Clerk, City of
Muscatine

