

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.01 PURPOSE. The purpose and intent of this chapter is to protect public health and safety and promote the general welfare of citizens and animals residing within the City of Perry. Pet ownership is encouraged and welcomed when it is accompanied by responsible, caring, humane and legal treatment of the animal. Pet owners and caregivers must be respectful of the rights of their fellow citizens, public and private property, and quality of life as it is impacted by their animal(s). Owners are responsible for properly training and/or securing their animals so as to prevent them from causing damage, injury or nuisance. Owners must also carefully manage their pet's ability to procreate so as to prevent the addition of unwanted stray and feral animals and to help actively reduce the euthanasia of unadoptable animals in our community.

55.02 DEFINITIONS. The following terms are defined for use in this chapter.

1. Animal: Nonhuman vertebrate
2. At-Large: Includes any dog, cat, fowl or livestock found off the premises of the owner or keeper. A dog or cat shall not be deemed at large if the dog or cat is;
 - A. Attached to a leash of sufficient strength and appropriate length to control the animal where such leash is held by its owner or keeper; or
 - B. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or cat within the motor vehicle; or
 - C. Housed in a licensed veterinarian hospital or kennel; or
 - D. Accompanied by the owner or keeper on the premises of another with such person's consent and restrained by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow the dog or cat to go beyond such person's property line or to come into contact with anyone outside such person's property line.
3. Dangerous Animal:
 - A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animal declared to be dangerous by the Council
 - C. The following animals, which are deemed to be dangerous animals per se: lions, tigers, jaguars, leopards, cougars, lynx, cheetah and bobcats; wolves, coyotes and foxes; badgers, wolverines, weasels, skunks; raccoons; bears; monkeys and chimpanzees; alligators and crocodiles; scorpions; snakes that are venomous or constrictors; gila monsters; and any cross breed of such animals which have similar characteristics of the animals specified.
4. Feral/Wild: Animals running at large within the city limits without a collar, owner's tag, micro-chipped or a City of Perry Pet License tag shall be considered feral/wild.

5. Keeper: Any person other than the owner keeping, sheltering, having control or custody of or harboring an animal.
6. Kennel: Shall refer to a place or establishment where dogs or cats or other animals are kept or raised for the purpose of breeding, boarding, racing at a licensed pari-mutuel track, exchanged or offered for sale to the general public and which are kept under constant restraint.
7. Livestock: Any animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
8. Neutered: Shall refer to a surgical procedure that has been performed on a dog, cat or other animal that renders in incapable of siring or bearing offspring.
9. Nuisance: A dog, cat or other animal shall be considered a nuisance if it:
 - A. Damages, soils, defiles or defecates on private property other than the owner's or keeper's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner or keeper.
 - B. Causes unsanitary, dangerous or offensive conditions.
 - C. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.
10. Owner: Any person owning, keeping, sheltering or harboring an animal.
11. Vicious Dogs:
 - A. Any dog with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; Or
 - B. A dog which has attacked or bitten any person or that acts in an aggressive or threatening manner toward any person or when a propensity to act aggressively or threateningly exists and such propensity is known or should be known to the owner thereof;
12. Vicious Animal: Any animal under the control or ownership of a person is deemed so when it shall have attacked or bitten any person on one or more occasions without provocation or when an attack or bite results in serious bodily injury.

55.03 REGISTRATION OF DOGS AND CATS. The purpose of registering and tagging pets is for identification if the pet is lost, to prevent pets from being destroyed as stray and for the safety of Perry citizens by using the registration process as a way of tracking where the vicious animals in the community are located.

A. ANNUAL REGISTRATION. The owner of a dog or cat over six (6) months of age shall register said dog or cat with the City of Perry prior to the first of February of each year.

B. REQUIREMENTS. The owner of a dog or cat for which registration is required shall provide proof of current vaccination against rabies, a description of the animal and such other information as the City of Perry requires.

C. REGISTRATION FEES. The registration fee for each dog or cat is five dollars (\$5.00). If the animal is not spayed or neutered, the registration fee for each dog or cat is twenty dollars (\$20.00). There is a five dollar (\$5.00) per animal late fee for animals not registered by the first of February each year.

D. REGISTRATION TAG. Upon registration of a dog or cat and receipt of the fee, the City of Perry shall deliver or mail to the owner of said dog or cat a registration tag which will be worn by the dog or cat at all times. Any dog or cat found at large without a collar or harness with license tag attached shall be deemed unlicensed and shall be impounded. Tags are not transferable, a license issued for any dog or cat shall not be transferred to another dog or cat.

55.04 NUMBER RESTRICTED.

It is unlawful for any person to own, keep, or harbor at any time more than six dogs or cats over the age of six months per dwelling unit in the city; provided, however, this section shall not apply to licensed kennels as defined by this chapter. Through attrition, the total number of dogs or cats will be reduced to the maximum number of six animals per dwelling. No new dog or cats shall be allowed to replace any deceased animals until the number of animals kept falls below the maximum of six.

55.05 NEGLECT/ ABANDONMENT

A. ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

B. LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

C. ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

55.06 TETHERING AND SHELTER FOR DOGS. A person is in direct violation of this section if the person wantonly or cruelly tethers a dog outside for a period exceeding ten (10) consecutive hours in a 24-hour period or between the hours of 10:00pm and 7:00am, or violates any of the following provisions:

1. While tethered, a dog shall be able to move about freely. The tether shall be a minimum of ten linear feet and have swivels on at least one end. Tow chains shall not be used.

2. While tethered, a dog shall wear a collar, harness, or similar device which fits properly to prevent injury or obstruction of respiration and to which the tether shall be attached. Choke, pinch, prong, or other chain collars shall not be used.

3. An enclosure to confine a dog or dogs shall be a minimum of 50 square feet per dog of the toy group and 70 square feet for all other breeds. The enclosure shall be of sufficient height and construction to provide a safe barrier for the dog or dogs.

4. A dog shall have access to a shelter which shall be large enough for the dog to stand, turn around, and lie down inside without touching the sides or top. A shelter shall be windproof and waterproof and the opening shall be large enough for the dog to enter and exit while standing upright.

5. A tethered dog shall have access to clean and sanitary shelter. The shelter shall be appropriate for the existing weather conditions.

55.07 AT-LARGE

A. AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. For purposes of this chapter an animal shall not be deemed to be running at large when the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the person owning the premises so long as the animal is restrained in such a manner that it cannot enter the public streets, sidewalks, alleys or other public areas or property not owned by the animal's owner, custodian or permittee.

B. AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter may be seized and impounded, and at the discretion of the peace officer, the owner may be served notice of violation of this section in accordance to Section 55.18.

55.08 NUISANCE

A. DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

B. ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

C. REMOVAL OF WASTE. It is unlawful for any person owning, harboring, keeping or in charge of any dog, cat, or other animal which soils, defiles, defecates on any common thoroughfare, sidewalk, passageway, bypath, play area, park, recreational trail or any place where people congregate or upon any public property or upon any private property without the permission of the owner of such property without the immediate and proper disposal of the solid waste excreted by the dog, cat, or other animal, except when the animal is on the owner's or keeper's property.

55.09 DANGEROUS ANIMALS

A. KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any purpose within the City a dangerous animal except as hereinafter provided.

B. DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 55.09 of this chapter does not apply to the keeping of dangerous animals in the following circumstances:

1. The keeping of dangerous animals in a public zoo, public aquarium, 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.
2. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the City.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Department of Natural Resources.
5. Any dangerous animals under the jurisdiction of and in the possession of the Department of Natural Resources, pursuant to Chapter 481A or 481B of the Code of Iowa.
6. Any guard or sentry dog properly contained as required by law.

C. REGULATIONS FOR KEEPING.

1. Every person keeping, sheltering, or harboring a dangerous animal as permitted under Section 55.09 shall at all times keep such animal securely confined within a cage or other enclosure approved by the Police Chief.
2. No person owning, keeping, sheltering or harboring a dangerous animal as permitted under Section 55.09 shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway or lagoon or public sewer system, or business establishment licensed by the City, or the property of another except when such animal is being transported while caged or confined.
3. It is the duty of the persons permitted to keep dangerous animals under Section 56.03 to report to the Police Department when any dangerous animal is found missing.
4. No person shall keep or harbor a dangerous animal which has demonstrated a propensity to attack or bite without provocation.

D. ESCAPE – GENERAL PROHIBITION AND DUTY. No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person’s property or that of another, by opening any gate, door or window or making any opening of any fence, enclosure or structure or by unleashing or releasing such animal.

E. SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon or public sewer system, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Police Chief, be destroyed if it cannot be confined or captured. The City 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.
2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on a premises in the City in violation of this chapter or that a person is keeping a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the Police Chief 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 Police Chief shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 55.09 of this

chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the 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 the 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 Police Chief shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

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

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the 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 Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the person 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 55.09 to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief is not appealed and is not complied with within three (3) days of the order of the Council after appeal has been served, the Police Chief 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 person against whom the decision and order of the Police Chief or Council was issued has not petitioned the Dallas County District Court for a review of said order, the Police Chief shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 55.09 of this chapter to possess dangerous animals or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which fee shall be the actual cost of the feeding and care of the animal.

55.10 VICIOUS DOGS

A. KEEPING OF VICIOUS DOGS. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined on or off the premises of such person unless the following conditions are met:

1. **Confinement.** All vicious dogs shall be securely enclosed in a locked pen or kennel, except when leashed and muzzled as provided hereinafter. Such locked pen or kennel must be constructed of metal fencing material, which is strong enough to

withstand any pressure exerted by the confined dog or dogs. All fencing shall be of a type that will not allow a dog to push through and all structures must be secured at the sides and then be covered by a secured top attached to the sides. All structures to confine dogs must be locked with a key or combination padlock when such animals are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen so that the confined animal cannot burrow or dig beneath the sides. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and kept in a clean and sanitary manner.

2. Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel, pen or indoor confinement unless such dog is securely leashed with a leash no longer than four (4) feet. All vicious dogs on a leash outside the animal's kennel, pen or indoor confinement must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. No person shall permit a vicious dog to be tethered on a chain, rope or other type of leash. Such dogs may not be secured to inanimate objects such as trees, posts, buildings, etc.

3. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

4. Micro-chipping. If a vicious dog is impounded without wearing identification, the owner shall be required to purchase City of Perry Dog Registration Tag, and microchip identification before the animal may be released to the owner. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip will be at the expense of the dog's owner.

B. SEIZURE, IMPOUNDMENT AND DISPOSITION. Unconfined vicious dogs shall be seized and impounded in accordance with the following:

1. The Police Chief, upon receipt of a complaint alleging that a dog is a vicious dog as defined in this chapter and is unconfined, may immediately take said dog into custody or impoundment to a animal shelter, veterinary facility or registered kennel designed to hold the dog in question until the final disposition is determined by law enforcement individuals using such means that will protect the general public, the police officer and the dog.

2. Upon receipt of said complaint, a complaint shall be filed by the Police Department against the person owning, keeping, sheltering, harboring or otherwise maintaining the dog in question. Said notice shall set forth a description of the dog and the basis for the allegation of being unconfined and vicious. The complaint shall be served upon any adult residing at the premises where in the animal was located or may be posted on those premises if no adult is present to accept service.

3. Any dog found at large which displays vicious tendencies may be handled as a vicious dog pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Police Chief may immediately destroy the dog, or

unless its ownership is not ascertainable, in which case it may be destroyed after seven (7) days' impoundment.

4. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of any court proceeding. All costs of such impoundment or quarantine shall be paid by the owner of the animal if determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

5. Any dog found to have bitten an individual and upon investigation is found not to have the required current rabies vaccination, such dog shall immediately be impounded, sent to a veterinary kennel or city shelter and quarantined for a period of two weeks until the proper rabies quarantine has expired and a qualified individual indicates in writing that rabies does not exist. All costs of such impoundment or quarantine shall be paid by the owner.

C. INSURANCE. The owner of any vicious dog must provide proof to the City Administrator or City Clerk of Public Liability Insurance or Homeowners/Renters Insurance in a single accident amount of \$100,000.00 minimum, for bodily injury to or death of any person or persons or for damages to property owned by any such persons who may result from the ownership, keeping or maintenance of such animal.

D. VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this chapter shall, upon conviction, be guilty and subject to a penalty in accordance to Section 55.18. If required to a court appearance the Magistrate may order the dog to be removed from the City. Should the defendant refuse to remove the dog from the City, the Magistrate may find the defendant in contempt and order the immediate confiscation (impoundment) of the dog. In addition to the foregoing, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

E. OFFICIAL K-9 DOG UNITS. Any official K-9 Dog units are exempt from the provisions and penalties of this chapter while actively employed by any and all law enforcement agencies.

55.11 RABIES CONTROL

A. RABIES VACCINATION. Every owner of a dog, cat or other animal shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog, cat or other animal in said 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 are not subject to these vaccination requirements.

B. OWNER'S DUTY. It is 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 is 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.

C. CONFINEMENT. When a local board of health or law enforcement official receives information that any person has been bitten by an animal or that animal is suspected of being rabid shall be impounded for a minimum of two days at a veterinary kennel until such time as its rabies vaccination status shall be established and a licensed veterinarian certifies that the animal is

healthy enough to be released to the owner, only if owner is unable to provide sufficient evidence that the animal's vaccination status is current.

When such animal does not have a valid current rabies vaccination at the time of said bite, the animal shall be impounded and quarantined at the veterinary kennel for a period of two weeks during which time the animal shall be observed as to its freedom from signs of rabies infection. All costs of such impoundment or quarantine shall be paid by the owner of the animal.

55.12 IMPOUNDMENT. Animals found at large in violation of this chapter may be seized and impounded at an animal shelter, veterinary facility or registered kennel or at the discretion of the peace officer. All costs of such impoundment shall be paid by the owner of the animal.

55.13 REDEMPTION

A. IMPOUNDING COSTS. Impounding costs are established by resolution of the Council. Without specific action taken by the Council the costs of impoundment/quarantine shall be the regular, usual cost of holding the impounded animal in a veterinary kennel or facility properly designed for proper care of impounded animals.

B. IDENTIFICATION/ MICRO-CHIPPING. If an owner of a dog, cat or other animal that is impounded without wearing identification, the owner shall be required to purchase City of Perry Dog Registration Tag. After second offense of a dog, cat or other animal that is impounded microchip identification shall be implanted before the animal may be released to the owner. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip will be at the expense of the dog's owner.

55.14 DISPOSITION

A. DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, cat or other animal by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be adopted, or placed in the Trap-Neuter-Return (TNR) Program as defined in Section 55.17, or humanely destroyed or otherwise disposed of in accordance with law.

55.15 LIVESTOCK

A. LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.16 PET AWARDS PROHIBITED

A. DEFINITIONS. As used in this section, the following terms are defined:

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Business" means any enterprise relating to any of the following:
 - (1) The sale or offer for sale of goods or services.
 - (2) A recruitment for employment or membership in an organization.
 - (3) A solicitation to make an investment.

- (4) An amusement or entertainment activity.
3. "Fair" means any of the following:
 - (a) The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - (b) An exhibition of agricultural or manufactured products.
 - (c) An event for operation of amusement rides or devices or concession booths.
4. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.
5. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

B. PROHIBITION. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

1. A prize for participating in a game.
2. A prize for participating in a fair event.
3. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
4. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

C. EXCEPTIONS. This section does not apply to any of the following:

1. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
2. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation. (Ord. 824 – Oct. 04 Supp.)

55.17 FERAL/WILD ANIMALS.

A. DEFINITION. Animals running at large within the city limits without a collar, owner's tag, micro-chipped or a City of Perry Pet License tag shall be considered feral/wild. Such animals are subject to impoundment and shall be sent to the animal shelter.

B. IMPOUNDMENT. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, cat or other animal by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal is designated as feral/wild and is eligible to be adopted with the payment of all related costs which include but not limited to impound fees, alteration costs, vaccinations and proper licenses.

C. MANAGED FERAL CATS. The Humane Society of Perry or its designee in the City of Perry, in order to encourage the stabilization of the feral cat population in the City may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner or any cat that has been impounded as feral/wild
2. Have the cat surgically altered and vaccinated against rabies
3. Give a written report annually to the Perry City Council on the number of cats and kittens spayed and neutered pursuant to the TNR Program

D. PROHIBITED. It is prohibited for individuals within the City of Perry to knowingly feed feral/wild animals.

55.18 PENALTY AND APPEAL.

- A.** Any violation of this Chapter shall be considered an offense for which a civil fine in an amount set by resolution by the Perry City Council shall be imposed, payable to the Perry City Clerk.
- B.** A recipient of a notice of violation may appeal such notice of violation by requesting on or before the stated due date of the civil fine, the issuance of a municipal infraction citation by the City of Perry. Upon such request, the City shall issue a municipal infraction citation, which will result in a required court appearance by such recipient and in the scheduling of a trial before a judge or magistrate at the Dallas County Courthouse or Perry Safety Building, as applicable, or the City may rescind the notice of violation.
- C.** If a municipal infraction citation is issued by the City, it will be sent to the recipient by certified mail. The issuance of a municipal infraction will result in a mandatory court appearance by such recipient, as well as the imposition of any state mandated court costs.