

JAN 28 2002
LOCAL GOVERNMENT

HOUSE FILE 2127
BY BRUNKHORST

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting dogs and cats from running at large and making
2 a penalty applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2127

1 Section 1. NEW SECTION. 351.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 provides:

4 1. "City" means the same as in section 362.2.

5 2. "Running at large" means an animal straying from the
6 control of the animal's owner or custodian, if the animal
7 trespasses upon property other than property in which the
8 owner or custodian holds an interest.

9 Sec. 2. Section 351.37, Code 2001, is amended to read as
10 follows:

11 351.37 RUNNING AT LARGE -- APPREHENSION AND IMPOUNDAGE.

12 1. The owner of a dog or cat shall not allow the dog or
13 cat to run at large within the limits of a city.

14 2. Any A dog found may be apprehended and impounded by a
15 local board of health or a law enforcement official if the dog
16 is running at large and the dog is not wearing a valid rabies
17 vaccination tag and-for-which-no or a rabies vaccination
18 certificate can-be-produced-shall-be-apprehended-and-impounded
19 is not presented to the local board of health or law
20 enforcement official.

21 When-such If a dog has been apprehended and impounded, the
22 official-shall-give-written-notice-in-not-less-than local
23 board of health or law enforcement official shall provide the
24 known owner of the dog written notice of the apprehension and
25 impoundment within two days to-the-owner,-if-known following
26 the apprehension. The owner may redeem the dog by having it
27 immediately vaccinated and paying the cost of impoundment. If
28 the owner does not redeem the dog within seven days of from
29 the date of the notice is required to be delivered, the dog
30 may be humanely-destroyed-or-otherwise disposed of in
31 accordance with law. An-owner-may-redeem-a-dog-by-having-it
32 immediately-vaccinated-and-by-paying-the-cost-of-impoundment.
33 If the dog is destroyed, it must be destroyed by euthanasia as
34 defined in section 162.2.

35 if-the-owner-of-a-dog-apprehended-or-impounded-cannot-be

~~1 located within seven days, the animal may be humanely
2 destroyed or otherwise disposed of in accordance with law.~~

3 EXPLANATION

4 This bill amends Code section 351.37 that provides that a
5 dog may be apprehended and impounded if the dog is running at
6 large and there is no proof that the dog has been vaccinated
7 with a valid rabies vaccination. The bill provides that the
8 owner of a dog or cat is prohibited from allowing the dog or
9 cat from running at large within the limits of a city. The
10 bill makes a number of changes to the section in order to
11 enhance its readability. According to Code section 351.43, a
12 person who violates the provision is guilty of a simple
13 misdemeanor. A simple misdemeanor is punishable by
14 confinement for no more than 30 days or a fine of at least \$50
15 but not more than \$500 or by both.

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