

MEMORANDUM

Date: February 16, 2011

To: Mayor O'Brien & Muscatine City Council

From: Gregg Mandsager, City Administrator

Re: Muscatine Humane Society (MHS) & Animal Control Officer (ACO) Budgets

Please refer to earlier memorandums for a detailed explanation of the issues.

The list below is a simple breakdown of the options and estimated associated costs for the MHS (and ACO) budget.

Option #1: Continue to utilize MHS at the present level of service with no restriction as to the number of animals the City may drop off. Cost: \$90,000 or \$48,000 in addition to the present budget of \$42,000.

Option #2: No longer pick up stray animals. The ACO would continue to unite animals and owners when an animal has ID tags, respond to calls for dangerous and vicious animals (housing to be determined), bite and neglect calls, and remove dead animals from the right-of-way. Savings: \$42,000 plus \$14,000 for current fiscal year. We would have costs related to housing, feeding, and euthanasia for approximately 12 dogs.

Option #3: Temporarily halt services and conduct an RFP for the minimal level of service (animal pound). From our conversations with area providers, Iowa City may be an option, but not until a new facility is built (1-2 years), but a private provider could reply to the RFP. Cost: Unknown, but would suggest we maintain the \$42,000 presently budgeted. The budget could be amended at a later date to reflect actual costs. If no provider responds, we could revert to option #2.

Option #4: City owned and maintained facility. See attached State of Iowa requirements. Attempt to utilize current (heated and cooled) City or donated facility. I would suggest utilizing the ACO position to manage this operation and meet most of the manning requirements, but I would expect to supplement the ACO with additional part time or temporary staff for care, feeding and exercise? Additional costs include utilities, kennels, food, euthanasia, fencing, etc.). Estimated cost: \$42,000 plus any capital costs. This simply maintains the budgeted amount. A more detailed plan would need to be presented to the City Council with location and estimated costs prior to beginning operations. Please note: one part time person would be budgeted at \$17,300. The cost of euthanasia would need to be determined; this would be based on the number of animals, however, this could be a significant cost of this option. We are estimating a need to have 15 dog kennels and 12 cat kennels. We'll provide additional information as it becomes available.

If the City continues to contract with MHS, I would suggest attaching several funding requirements. Those may include the following:

- A copy of MHS budget for next fiscal year,
- A copy of all MHS financial reports including income and expense statements and balance sheets for the present fiscal year and monthly going forward. A monthly report of MHS activity for animals received from city residents (number and type of animal received, the number adopted, euthanized, returned to owner, etc.),
- A monthly report for the animals received from the ACO (number and type of animal received, number adopted, euthanized, returned to owner, number of days held before disposition, etc.)
- MHS review of operational efficiencies, including combining operations with the City's animal control operations or providing a more regional service.
- Based on the above review, develop and submit a written plan addressing combining operations, efficiencies, etc. no later than December 1, 2011. (This would be prior to next year's budget.)

IOWA DEPARTMENT OF AGRICULTURE & LAND STEWARDSHIP

Animal Welfare Bureau
(515) 281-8601
(515) 281-6358

Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

APPLICATION TO OPERATE IN IOWA AS LICENSED ANIMAL WELFARE FACILITY:

Application Fees are Non-Refundable

<input type="checkbox"/> Commercial Breeder	\$ 175.00	<input type="checkbox"/> Commercial Kennel (Grooming, Boarding, Training)	\$175.00
<input type="checkbox"/> Pet Shop	175.00	<input type="checkbox"/> Public Auction	175.00
<input type="checkbox"/> Boarding Kennel	175.00	<input type="checkbox"/> Animal Shelter	75.00
<input type="checkbox"/> Dealer	175.00	<input type="checkbox"/> Pound	75.00
<input type="checkbox"/> Research Facility (NOT federally licensed)	75.00		

No person shall operate a business in one of the above categories without a license or certificate of registration issued by the Iowa Department of Agriculture & Land Stewardship. (Section 162.13, Code of Iowa.) The applicant shall make request for licensing in each of the categories checked above in which he is doing business. The fee shall be the total of the individual fees of business categories for which the license application is being made.

A "Commercial Breeder" is a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so. A person who owns or harbors three or less breeding males or females is not a Commercial Breeder.

Owners or their appointed agents must be present to allow inspection of facilities by personnel of the Department during normal business hours. It is incumbent upon the owner or appointed agent to provide information as to how they can be reached for the inspection during business hours.

Some municipalities require proper zoning for commercially licensed businesses. It is the applicant's responsibility to comply with all local, state and federal laws. Please check with local authorities.

Name of Business: _____ Home Phone: _____

Business Phone: _____ Cell Phone: _____

Street: _____ City: _____ Zip: _____

County: _____ Township: _____ Section: _____

Directions to business location (if rural): _____

Owner(s) Name(s): _____ E-Mail Address: _____

Mailing Address (if different from business address): _____

Type of Ownership: _____ Corporation _____ Partnership _____ Individual _____ Other _____

Taxpayer Identification Number (EIN or SSN) **REQUIRED:** _____

This is the number assigned to you or your business by the IRS

THIS WILL REMAIN CONFIDENTIAL.

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1. Have you ever been convicted of animal abuse or neglect? Yes ____ No ____
2. Have you ever had a license revoked by the federal, state or local government to breed, care for or sell animals? Yes ____ No ____
3. In the past 10 years, have you ever been convicted of a felony in this or any other state? Yes ____ No ____

Proposed opening date of facility: _____

Inspection time most convenient Monday through Friday (9:00 AM – 3:00 PM): Day(s) _____ Hours _____

How many animals on the average are maintained in the total housing facilities? Dogs: _____ Cats: _____

Rabbits & Rodents: _____ Birds: _____ Reptiles: _____ Other Vertebrates: _____

Describe premises and housing facilities (size of area, building dimensions, type of materials in construction, interior finishing, exercise areas, number of housing facilities):

How are animal wastes disposed of from housing facilities and exercise areas?

Do you have isolation facilities for ill or diseased animals? _____

Describe briefly your vermin control program (insects, rodents, etc.): _____

Describe briefly cleaning and sanitizing procedures: _____

Describe briefly immunization & preventative medication procedures used in preventing diseases & parasite infestations:

Describe briefly how animals are transported to and from your facilities (enclosures used, care in transit):

Do you make records of all animals transferred to and from your housing facilities? _____

What other records are kept? _____

SIGNATURE: _____

DATE: _____

License or registration fees shall accompany application. Make checks or money orders payable to IDALS (Iowa Department of Agriculture & Land Stewardship).

Mail to: ***Iowa Department of Agriculture & Land Stewardship***
Animal Welfare Bureau
Wallace State Office Bldg.
502 East 9th Street
Des Moines, IA 50319

CHAPTER 162

CARE OF ANIMALS IN COMMERCIAL ESTABLISHMENTS

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162.10A Commercial establishments — standard of care.

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162.19 Abandoned animals destroyed.

162.1 Purpose and scope.

1. The purpose of this chapter is to accomplish all of the following:

a. Insure that all dogs and cats handled by commercial establishments are provided with humane care and treatment.

b. Regulate the transportation, sale, purchase, housing, care, handling, and treatment of dogs and cats by persons engaged in transporting, buying, or selling them.

c. Provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

d. Authorize the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.

e. Protect the public from zoonotic disease.

2. This chapter does not apply to livestock as defined in section 717.1 or any other agricultural animal used in agricultural production as provided in chapter 717A.

[C75, 77, 79, 81, §162.1]

96 Acts, ch 1034, §7; 2010 Acts, ch 1030, §1, 29

Section amended

162.2 Definitions.

As used in this chapter, except as otherwise expressly provided:

1. "Adequate feed" means the provision at suitable intervals of not more than twenty-four hours or longer if the dietary requirements of the species so require, of a quantity of

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wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.

2. "Adequate water" means reasonable access to a supply of clean, fresh, potable water

provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four hours at any interval.

3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

4. "Animal warden" means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

5. "Animal Welfare Act" means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.

6. "Authorization" means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.

7. "Boarding kennel" means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a consideration.

8. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for

consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person.

A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a race-track as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.

9. *“Commercial establishment” or “establishment”* means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

10. *“Commercial kennel”* means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.

11. *“Dealer”* means any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats, or both, as a principal or agent, or who claims to be so engaged.

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

13. *“Euthanasia”* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

14. *“Federal license”* means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.

15. *“Federal licensee”* means a person to whom a federal license as a dealer or exhibitor is issued.

16. *“Housing facilities”* means any room, building, or area used to contain a primary enclosure or enclosures.

17. *“Permittee”* means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.

18. *“Person”* means person as defined in chapter 4.

19. *“Pet shop”* means an establishment where a dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale. However, a pet shop does not include an establishment if one of the following applies:

a. The establishment receives less than five hundred dollars from the sale or exchange of vertebrate animals during a twelve-month period.

b. The establishment sells or exchanges less than six animals during a twelve-month period.

20. *“Pound”* means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

21. *“Primary enclosure”* means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, or compartment.

22. *“Public auction”* means any place or location where dogs or cats, or both, are sold at auction to the highest bidder regardless of whether the dogs or cats are offered as individuals, as a group, or by weight.

23. *“Registrant”* means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.

24. *“Research facility”* means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

25. *“State fiscal year”* means the fiscal year described in section 3.12.

26. *“State licensee”* means any of the following:

a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.

b. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to section 162.2A.

27. *“Vertebrate animal”* means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

[C75, 77, 79, 81, §162.2]
 86 Acts, ch 1245, §611; 88 Acts, ch 1186, §1 – 4; 92 Acts, ch 1094, §1; 92 Acts, ch 1212, §6;
 95 Acts, ch 43, §4; 2005 Acts, ch 3, §40; 2009 Acts, ch 133, §70; 2010 Acts, ch 1030, §2, 3, 29
 Further definitions, see §159.1
 NEW subsections 5 and 6 and former subsections 5 and 6 renumbered as 7 and 8
 NEW subsection 9 and former subsections 7 and 8 renumbered as 10 and 11
 NEW subsection 12 and former subsection 9 renumbered as 13
 NEW subsections 14 and 15 and former subsection 10 renumbered as 16
 NEW subsection 17 and former subsections 11 – 15 renumbered as 18 – 22
 NEW subsection 23 and former subsection 16 renumbered as 24
 NEW subsections 25 and 26 and former subsection 17 renumbered as 27
 Subsections 8 and 20 amended

162.2A Application, issuance, and renewal of authorizations.

1. The department shall provide for the operation of a commercial establishment by issuing or renewing an authorization, including any of the following:

a. A certificate of registration for a pound, animal shelter, or research facility.

b. A state license for a boarding kennel, commercial kennel, or pet shop.

c. A state license or permit for a commercial breeder, dealer, or public auction. A federal licensee must apply for and be issued either a permit or a state license in lieu of a permit.

2. A person must be issued a separate state license, certificate of registration, or permit for each commercial establishment owned or operated by the person.

3. A person must apply for the issuance or renewal of an authorization on forms and according to procedures required by rules adopted by the department. The application shall contain information required by the department, including but not limited to all of the following:

a. The person's name.

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b. The person's principal office or place of business.

c. The name, address, and type of establishment covered by the authorization.

d. The person's identification number. Notwithstanding chapter 22, the department shall keep the person's tax identification number confidential except for purposes of tax administration by the department of revenue, including as provided in section 421.18.

4. The authorization expires on an annual basis as provided by the department, and must be renewed by the commercial establishment on an annual basis on or before the authorization's expiration date.

5. a. A commercial establishment applying for the issuance or renewal of a permit shall provide the department with proof that the person is a federal licensee.

b. The department shall not require that it must enter onto the premises of a commercial establishment in order to issue a permit. The department shall not require that it must enter onto the premises of a commercial establishment in order to renew a permit, unless it has reasonable cause to monitor the commercial establishment as provided in section 162.10C.

2010 Acts, ch 1030, §4, 29

Commercial establishment that has been issued or has renewed a certificate of registration is not required to be issued a permit earlier than required in this section for renewal of a permit. Person holds certificate of registration in the same manner as a permit; 2010 Acts, ch 1030, §28

NEW section

162.2B Fees.

The department shall establish, assess, and collect fees as provided in this section.

1. A commercial establishment shall pay authorization fees to the department for the issuance or renewal of a certificate of registration, state license, or permit.

a. For the issuance or renewal of a certificate of registration, seventy-five dollars.

b. For the issuance or renewal of a state license or permit, one hundred seventy-five dollars. However, a commercial breeder who owns, keeps, breeds, or transports a greyhound dog for pari-mutuel wagering at a racetrack as provided in chapter 99D shall pay a different

fee for the issuance or renewal of a state license as provided in rules adopted by the department.

2. The department shall retain all fees that it collects under this section for the exclusive purpose of administering and enforcing the provisions of this chapter. The fees shall be considered repayment receipts as defined in section 8.2. The general assembly shall appropriate moneys to the department each state fiscal year necessary for the administration and enforcement of this chapter.

2010 Acts, ch 1030, §5, 29

NEW section

162.2C Commercial establishment fund.

1. A commercial establishment fund is created in the state treasury under the management and control of the department.

2. The fund shall include moneys collected by the department in fees as provided in section 162.2B and moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the department and shall be used exclusively to carry out the provisions of this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

4. a. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

2010 Acts, ch 1191, §25, 26

Section takes effect April 29, 2010, and applies retroactively to March 9, 2010; 2010 Acts, ch 1191, §26

NEW section

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162.3 Operation of a pound — certificate of registration.

A pound shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. A pound may sell dogs or cats under its control if sales are allowed by the department. The pound shall maintain records as required by the department in order for the department to ensure the pound's compliance with the provisions of this chapter.

[C75, 77, 79, 81, §162.3]

88 Acts, ch 1186, §5; 88 Acts, ch 1272, §12; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §6, 29

Section stricken and rewritten

162.4 Operation of an animal shelter — certificate of registration.

An animal shelter shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. An animal shelter may sell dogs or cats if sales are allowed by the department. The animal shelter facility shall maintain records as required by the department in order for the department to ensure the animal shelter's compliance with the provisions of this chapter.

[C75, 77, 79, 81, §162.4]

88 Acts, ch 1186, §6; 2010 Acts, ch 1030, §7, 29

Section stricken and rewritten

162.4A Operation of a research facility — certificate of registration.

A research facility shall only operate pursuant to a certificate of registration issued by the department as provided in section 162.2A. The research facility shall maintain records as required by the department in order for the department to ensure the research facility's compliance with the provisions of this chapter. A research facility shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or

renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §8, 29

NEW section

162.5 Operation of a pet shop — state license.

A pet shop shall only operate pursuant to a state license issued or renewed by the department pursuant to section 162.2A. The pet shop shall maintain records as required by the department in order for the department to ensure the pet shop's compliance with the provisions of this chapter. A pet shop shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.5]

88 Acts, ch 1186, §7; 88 Acts, ch 1272, §13; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §9, 29

Section stricken and rewritten

162.5A Operation of a boarding kennel — state license.

A boarding kennel shall only operate pursuant to a state license issued by the department as provided in section 162.2A. The boarding kennel shall maintain records as required by the department in order for the department to ensure the boarding kennel's compliance with the provisions of this chapter. A boarding kennel shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §10, 29

NEW section

162.6 Operation of a commercial kennel — state license.

A commercial kennel shall only operate pursuant to a state license issued or renewed by the department as provided in section 162.2A. A commercial kennel shall maintain records as required by the department in order for the department to ensure the commercial kennel's compliance with the provisions of this chapter. A commercial kennel shall not purchase a

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dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.6]

88 Acts, ch 1186, §8; 88 Acts, ch 1272, §14; 89 Acts, ch 15, §1; 89 Acts, ch 296, §17; 2010

Acts, ch 1030, §11, 29

Section stricken and rewritten

162.7 Operation of a dealer — state license or permit.

A dealer shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A dealer who is a state licensee shall maintain records as required by the department in order for the department to ensure compliance with the provisions of this chapter. A dealer who is a permittee may but is not required to maintain records. A dealer shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.7]

88 Acts, ch 1186, §9; 88 Acts, ch 1272, §15; 89 Acts, ch 15, §2;

89 Acts, ch 296, §17; 2010

Acts, ch 1030, §12, 29

Section stricken and rewritten

162.8 Operation of a commercial breeder — state license or permit.

A commercial breeder shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A commercial breeder who is a state licensee shall maintain records as required by the department in order for the department to ensure the commercial breeder's compliance with the provisions of this chapter. A commercial breeder who is a permittee may but is not required to maintain records. A commercial breeder shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.8]

88 Acts, ch 1186, §10; 88 Acts, ch 1272, §16; 89 Acts, ch 296, §18; 2010 Acts, ch 1030, §13,

29

Section stricken and rewritten

162.9 Boarding kennel operator's license. Repealed by 2010 Acts, ch 1030, § 26, 29. See § 162.5A.

162.9A Operation of a public auction — state license or permit.

A public auction shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A public auction which is a state licensee shall maintain records as required by the department in order for the department to ensure the public auction's compliance with the provisions of this chapter. A public auction which is a permittee may but is not required to maintain records. A public auction shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §14, 29

NEW section

162.10 Research facility registration. Repealed by 2010 Acts, ch 1030, § 26, 29. See § 162.4A.

162.10A Commercial establishments — standard of care.

1. a. A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:

(1) Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering.

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(2) Veterinary care.

b. A commercial establishment, other than a research facility or pet shop, shall provide for the standard of care for dogs and cats in its possession or under its control, and a

research facility or pet shop shall provide for the standard of care for vertebrate animals in its possession or under its control.

2. a. Except as provided in paragraph "b" or "c", a commercial

establishment shall comply with rules that the department adopts to implement subsection 1. A commercial establishment shall be regulated under this paragraph "a" unless the person is a state licensee as provided in paragraph "b" or a permittee as provided in paragraph "c".
b. A state licensee who is a commercial breeder owning, breeding, transporting, or keeping a greyhound dog for pari-mutuel wagering at a racetrack as provided in chapter 99D may be required to comply with different rules adopted by the department.
c. A permittee is not required to comply with rules that the department adopts to implement a standard of care as provided in subsection 1 for state licensees and registrants. The department may adopt rules regulating a standard of care for a permittee, so long as the rules are not more restrictive than required for a permittee under the Animal Welfare Act. However, the department may adopt prescriptive rules relating to the standard of care. Regardless of whether the department adopts such rules, a permittee meets the standard of care required in subsection 1 if it voluntarily complies with rules applicable to state licensees or registrants. A finding by the United States department of agriculture that a permittee complies with the Animal Welfare Act is not conclusive when determining that the permittee provides a standard of care required in subsection 1.
3. A commercial establishment fails to provide for a standard of care as provided in subsection 1 if the commercial establishment commits abuse as described in section 717B.2, neglect as described in section 717B.3, or torture as provided in section 717B.3A.

2010 Acts, ch 1030, §15, 29

NEW section

162.10B Commercial establishments — inspecting state licensees and registrants.

The department may inspect the commercial establishment of a registrant or state licensee by entering onto its business premises at any time during normal working hours. The department may inspect records required to be maintained by the state licensee or registrant as provided in this chapter. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

2010 Acts, ch 1030, §16, 29

NEW section

162.10C Commercial establishments — monitoring permittees.

1. The department may monitor the commercial establishment of a permittee by entering onto its business premises at any time during normal working hours. The department shall monitor the commercial establishment for the limited purpose of determining whether the permittee is providing for a standard of care required for permittees under section 162.10A. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

2. In order to enter onto the business premises of a permittee's commercial establishment, the department must have reasonable cause to suspect that the permittee is not providing for the standard of care required for permittees under section 162.10A. Reasonable cause must be supported by any of the following:
a. An oral or written complaint received by the department by a person. The complainant must provide the complainant's name and address and telephone number. Notwithstanding chapter 22, the department's record of a complaint is confidential, unless any of the following apply:
(1) The results of the monitoring are used in a contested case proceeding as provided in chapter 17A or in a judicial proceeding.
(2) The record is sought in discovery in any administrative, civil, or criminal case.
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(3) The department's record of a complaint is filed by a person other than an individual.
b. A report prepared by a person employed by the United States department of agriculture that requires a permittee to take action necessary to correct a breach of standard of care required of federal licensees by the Animal Welfare Act or of permittees by section 162.10A.
The department is not required to dedicate any number of hours to viewing or analyzing such reports.
3. When carrying out this section, the department may cooperate with the United States department of agriculture. The department shall report any findings resulting in an enforcement action under section 162.10D to the United States department of agriculture.
2010 Acts, ch 1030, §17, 29
NEW section

162.10D Commercial establishments — disciplinary actions.

1. The department may take disciplinary action against a person by suspending or revoking the person's authorization for violating a provision of this chapter or chapter 717B, or who commits an unlawful practice under section 714.16.
2. The department may require an owner, operator, or employee of a commercial establishment subject to disciplinary action under subsection 1 to complete a continuing education program as a condition for retaining an authorization. This section does not prevent a person from voluntarily participating in a continuing education program.
3. The department shall administer the continuing education program by either providing direct instruction or selecting persons to provide such instruction. The department is not required to compensate persons for providing the instruction, and may require attendees to pay reasonable fees necessary to compensate the department providing the instruction or a person selected by the department to provide the instruction. The department shall, to every extent possible, select persons to provide the instruction by consulting with organizations that represent commercial establishments, including but not limited to the Iowa pet breeders association.

4. The department shall establish the criteria for a continuing education program which shall include at least three and not more than eight hours of instruction. The department shall provide for the program's beginning and ending dates. However, a person must complete the program in twelve months or less.

2010 Acts, ch 1030, §18, 29; 2010 Acts, ch 1193, §41, 80

NEW section

162.11 Exceptions.

1. This chapter does not apply to a federal licensee except as provided in the following:

a. Section 162.1, subsection 2, and sections 162.2, 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

b. Section 162.1, subsection 1, but only to the extent required to implement sections described in paragraph "a".

c. Section 162.16 but only to the extent required to implement sections described in paragraph "a".

2. This chapter does not apply to a place or establishment which operates under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, hospitalized, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine.

However, if animals are accepted by such a place, establishment, or hospital for boarding or grooming for a consideration, the place, establishment, or hospital is subject to the licensing or registration requirements applicable to a boarding kennel or commercial kennel under this chapter and the rules adopted by the secretary.

3. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials,

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or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding.

[C75, 77, 79, 81, §162.11]

88 Acts, ch 1186, §13; 2010 Acts, ch 1030, §19, 20, 29

Subsection 1 stricken and former subsection 2 stricken, rewritten, and renumbered as 1

Subsection 3 stricken and former subsections 4 and 5 renumbered as 2 and 3

162.12 Denial or revocation of license or registration.

A certificate of registration may be denied to any animal shelter, pound, or research facility and a state license may be denied to any public auction, boarding kennel, commercial kennel, pet shop, commercial breeder, or dealer, or an existing certificate of registration or state license may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under this chapter or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, research facility, or those practices by the commercial breeder or dealer, are not in compliance with this chapter or with the rules adopted pursuant to this chapter. The premises of each reg-

istrant or state licensee

shall be open for inspection during normal business hours.

[C75, 77, 79, 81, §162.12]

88 Acts, ch 1186, §14; 2010 Acts, ch 1030, §21, 29

Section amended

162.12A Civil penalties.

The department shall establish, impose, and assess civil penalties for violations of this chapter. The department may by rule establish a schedule of civil penalties for violations of this chapter. All civil penalties collected under this section shall be deposited into the general fund of the state.

1. a. A commercial establishment that operates pursuant to an authorization issued

or renewed under this chapter is subject to a civil penalty of not more than five hundred dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Except as provided in paragraph "b", each day that

a violation continues shall be deemed a separate offense.

b. This paragraph applies to a commercial establishment that violates a standard of care involving housing as provided in section 162.10A. The departmental official who makes a determination that a violation exists shall provide a corrective plan to the commercial establishment describing how the violation will be corrected within a compliance period of not more than fifteen days from the date of approval by the official of the corrective plan.

The civil penalty shall not exceed five hundred dollars for the first day of the violation.

After that day, the department shall not impose a civil penalty for the violation during the compliance period. The department shall not impose an additional civil penalty, unless the commercial establishment fails to correct the violation by the end of the compliance period.

If the commercial establishment fails to correct the violation by the end of the compliance period, each day that the violation continues shall be deemed a separate offense.

2. A commercial establishment that does not operate pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than one thousand dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Each day that a violation continues shall be deemed a separate offense.

2010 Acts, ch 1030, §22, 29

NEW section

162.13 Criminal penalties — confiscation.

1. A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.

2. The failure of a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor. The

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animals are subject to seizure and impoundment and may be sold or destroyed as provided

by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.

3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation of the person's authorization as provided in section 162.10D.

4. Dogs, cats, and other vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.

5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this subsection is a separate offense.

[C75, 77, 79, 81, §162.13]

83 Acts, ch 149, §1; 88 Acts, ch 1186, §15; 94 Acts, ch 1103, §1; 2010 Acts, ch 1030, §23, 29

Section amended

162.14 Custody by animal warden.

An animal warden, upon taking custody of any animal in the course of the warden's official duties, shall immediately make a record of the matter in the manner prescribed by the secretary and the record shall include a complete description of the animal, reason for seizure, location of seizure, the owner's name and address if known, and all license or other identification numbers, if any. Complete information relating to the disposition of the animal shall be added in the manner provided by the secretary immediately after disposition.

[C75, 77, 79, 81, §162.14]

162.15 Violation by animal warden.

Violation of any provision of this chapter which relates to the seizing, impoundment, and custody of an animal by an animal warden shall constitute a simple misdemeanor and each animal handled in violation shall constitute a separate offense.

[C75, 77, 79, 81, §162.15]

162.16 Rules.

The department shall adopt rules and promulgate forms necessary to administer and enforce the provisions of this chapter.

[C75, 77, 79, 81, §162.16]

2010 Acts, ch 1030, §24, 29

Section stricken and rewritten

162.17 Repealed by 88 Acts, ch 1186, § 16.

162.18 Fees. Repealed by 2010 Acts, ch 1030, § 26, 29.

162.19 Abandoned animals destroyed.

Whenever any animal is left with a veterinarian, boarding kennel or commercial kennel pursuant to a written agreement and the owner does not claim the animal by the agreed date, the animal shall be deemed abandoned, and a notice of abandonment and its consequences shall be sent within seven days by certified mail to the last known address of the owner.

For fourteen days after mailing of the notice the owner shall have the right to reclaim the animal upon payment of all reasonable charges, and after the fourteen days the owner shall be deemed to have waived all rights to the abandoned animal. If

despite diligent effort an owner cannot be found for the abandoned animal within another seven days, the veterinarian, boarding kennel, or commercial kennel may humanely destroy the abandoned animal.

Each veterinarian, boarding kennel or commercial kennel shall warn its patrons of the provisions of this section by a conspicuously posted notice or by conspicuous type in a written receipt.

[C77, 79, 81, §162.19]

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162.20 Sterilization.

1. A pound or animal shelter shall not transfer ownership of a dog or cat by sale or adoption, unless the dog or cat is subject to sterilization. The sterilization shall involve a procedure which permanently destroys the capacity of a dog or cat to reproduce, either by the surgical removal or alteration of its reproductive organs, or by the injection or ingestion of a serum. The pound or animal shelter shall not relinquish custody until it provides for one of the following:

a. Sterilization performed by a veterinarian licensed pursuant to chapter 169.

b. The execution of an agreement with a person intended to be the permanent custodian of the dog or cat. The agreement must provide that the custodian shall have the dog or cat sterilized by a veterinarian licensed pursuant to chapter 169.

2. The pound or animal shelter maintaining custody of the dog or cat may require that a person being transferred ownership of the dog or cat reimburse the pound or animal shelter for the amount in expenses incurred by the pound or animal shelter in sterilizing the dog or cat, if the dog or cat is sterilized prior to the transfer of ownership of the dog or cat to the person.

3. a. The sterilization agreement may be on a form which shall be prescribed by the department. The agreement shall contain the signature and address of the person receiving custody of the dog or cat, and the signature of the representative of the pound or animal shelter.

b. The sterilization shall be completed as soon as practicable, but prior to the transfer of the ownership of the dog or cat by the pound or animal shelter. The pound or animal shelter may grant an extension of the period required for the completion of the sterilization if the extension is based on a reasonable determination by a licensed veterinarian.

c. A pound or animal shelter shall transfer ownership of a dog or cat, conditioned upon the confirmation that the sterilization has been completed by a licensed veterinarian who performed the procedure. The confirmation shall be a receipt furnished by the office of the attending veterinarian.

d. A person who fails to satisfy the terms of the sterilization agreement shall return the dog or cat within twenty-four hours following receipt of a demand letter which shall be delivered to the person by the pound or animal shelter personally or by certified mail.

4. a. A person who does not comply with the provisions of a sterilization agreement is guilty of a simple misdemeanor.

b. A person who fails to return a dog or cat upon receipt of a demand letter is guilty of a simple misdemeanor.

c. A pound or animal shelter which knowingly fails to provide for the sterilization of a dog or cat is subject to a civil penalty of up to two hundred dollars. The department may enforce and collect civil penalties according to rules which shall be adopted by the department. Each violation shall constitute a separate offense. Moneys collected from civil penalties shall be deposited into the general fund of the state and are appropriated on July 1 of each year in equal amounts to each track licensed to race dogs to support the racing dog adoption program as provided in section 99D.27. Upon the third offense, the department may suspend or revoke a certificate of registration issued to the pound or animal shelter pursuant to this chapter.

The department may bring an action in district court to enjoin a pound or animal shelter from transferring animals in violation of this section. In bringing the action, the department shall not be required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, that irreparable damage or loss will result if the action is brought at law, or that unique or special circumstances exist.

5. This section shall not apply to the following:

a. The return of a dog or cat to its owner by a pound or animal shelter.

b. The transfer of a dog or cat by a pound or animal shelter which has obtained an enforcement waiver issued by the department. The pound or shelter may apply for an annual waiver each year as provided by rules adopted by the department.

The department shall grant a waiver, if it determines that the pound or animal shelter is subject to an ordinance by a city or county which includes stricter requirements than provided in this section. The

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department shall not charge more than ten dollars as a waiver application fee. The fees collected by the department shall be deposited in the general fund of the state.

c. The transfer of a dog or cat to a research facility as defined in section 162.2 or a person licensed by the United States department of agriculture as a class B dealer pursuant to 9

C.F.R. subch. A, pt. 2. However, a class B dealer who receives an unsterilized dog or cat from a pound or animal shelter shall either sterilize the dog or cat or transfer the unsterilized dog or cat to a research facility provided in this paragraph. The class B dealer shall not transfer a dog to a research facility if the dog is a greyhound registered with the national greyhound association and the dog raced at a track associated with pari-mutuel racing unless the class B dealer receives written approval of the transfer from a person who owned an interest in the dog while the dog was racing.

93 Acts, ch 134, §1; 2008 Acts, ch 1058, §16; 2010 Acts, ch 1061, §180

CHAPTER 67

ANIMAL WELFARE

[Prior to 7/27/88 see Agriculture Department 30—Ch 20]

21—67.1(162) Animals included in rules. Dog, as that term is used in the rules, includes hybrid dog mixtures. Animals, as that term is used in rules relating to boarding kennels, commercial kennels, hobby kennels, commercial breeders, dealers, public auctions, animal shelters, and pounds includes dogs and cats. Animals, as that term is used in rules relating to pet shops, includes dogs, cats, rabbits, rodents, nonhuman primates, birds, fish, or other vertebrate animals.

This rule implements Iowa Code sections 162.1 and 162.8.

21—67.2(162) Housing facilities and primary enclosures.

67.2(1) Housing facilities.

- a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.
- b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to rain or snow. Heat, insulation, or bedding adequate to provide comfort shall be provided when the atmospheric temperature is below 50° F. or that temperature to which the particular animals are acclimated. Indoor housing facilities shall be provided for dogs and cats under the age of eight weeks and for dogs and cats within two weeks of whelping.
- c. Indoor and outdoor housing facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health and comfort of the animals. Such ventilation shall be environmentally provided as to minimize drafts, moisture condensation, odors or stagnant vapors of excreta.
- d. Ample lighting shall be provided by natural or artificial means or both during sunrise to sunset hours to allow efficient cleaning of the facilities and routine inspection of the facilities and animals contained therein.
- e. Ceilings, walls and floors shall be so constructed as to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished surfaces.
- f. Food supplies and bedding materials shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors which would render the food or bedding unclean. Separate storage facilities shall be maintained for cleaning and sanitizing equipment and supplies.
- g. Washrooms, basins or sinks shall be provided within or be readily accessible to each housing facility, for maintaining cleanliness among animal caretakers and sanitizing of food and water utensils.
- h. Equipment shall be available for removal and disposal of all waste materials from housing facilities to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to effect the above purposes.
- i. Facilities shall be provided to isolate diseased animals, to prevent exposure to healthy animals.
- j. Outdoor dog runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the animal(s) therein without injury. Floors shall be concrete, gravel or materials which can be regularly cleaned and kept free of waste accumulation. Grass runs and exercise areas are permissible provided adequate ground cover is maintained, holes are kept filled and the ground cover is not allowed to become overgrown. Dog runs and exercise areas utilizing wire floors are permissible, provided that they are not injurious to the animals and adequately maintained.
- k. Group housing is permitted for animals which are compatible with one another. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size which are housed in the facility. Females in estrus shall not be housed with males, except for breeding purposes.

67.2(2) Primary enclosures.

- a. Primary enclosures shall be of sound construction and maintained in good repair to protect the animals from injury.

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- b. Construction materials and maintenance shall allow the animals to be kept clean and dry. Walls

and floors shall be impervious to urine and other moisture.

c. The shape and size of the enclosure shall afford ample space for the individual(s) to comfortably turn about, stand erect, sit or lie. Not more than 12 dogs or cats shall be housed in the same primary enclosure.

d. Litter pans, containing clean litter, shall be provided at all times for kittens and cats.

e. Means shall be provided to maintain that temperature and ventilation which is comfortable for the species within the primary enclosure. Lighting shall be adequate to allow observation of the animals but they shall be protected from excessive illumination.

f. Animals shall be removed from their primary enclosures at least twice in each 24-hour period and exercised, unless the primary enclosure shall be of sufficient size to provide this exercise.

g. If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the doghouse.

67.2(3) *In-home kennel.*

a. For the purposes of this subrule, "in-home kennel" means an individual required to be licensed as a boarding kennel or as a commercial breeder under Iowa Code chapter 162 who maintains or harbors not more than six adult animals (including both breeding animals and surgically sterilized animals) in the individual's living quarters.

b. Notwithstanding subrules 67.2(1), 67.2(2), and 67.3(2), an in-home kennel shall comply with the following standards:

(1) Food supplies shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors which would render the food unclean.

(2) Ample lighting shall be provided by natural or artificial means or both during sunrise to sunset hours. Animals shall be protected from excessive illumination.

(3) Building shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.

(4) Facilities shall be provided to isolate diseased animals to prevent exposure to healthy animals.

(5) Outdoor dog runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the animal(s) therein without injury. Floors shall be concrete, gravel or materials which can be regularly cleaned and kept free of waste accumulation. Grass runs and exercise areas are permissible provided adequate ground cover is maintained, holes are kept filled and the ground cover is not allowed to become overgrown. Wire floors are permissible, provided they are not injurious to the animals and adequately maintained.

(6) Group housing is permitted for animals which are compatible with one another. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size which are housed within the facility. Females in estrus shall not be housed with males, except for breeding purposes.

(7) If the animals are confined to a restricted area of the living quarters, the restricted area shall meet the space requirements set out in paragraph 67.2(2) "c."

(8) Litter pans, containing clean litter, shall be provided at all times for kittens and cats.

(9) Means shall be provided to maintain that temperature and ventilation which is comfortable for the species within the primary enclosure or housing facility.

(10) Animals shall be removed from their primary enclosures at least twice in each 24-hour period and exercised.

(11) Housing facilities shall be cleaned as necessary to reduce disease hazards, and an effective program shall be established and maintained for the control of vermin infestation.

This rule is intended to implement Iowa Code sections 162.8 and 162.9.

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21—67.3(162) General care and husbandry standards.

67.3(1) *Feeding and watering.*

a. All species covered under Iowa Code chapter 162 shall be provided with adequate feed as defined in section 162.2(1).

b. Young animals and animals under veterinary care shall be fed at more frequent intervals and with specific diets as their needs shall dictate.

c. All species covered under Iowa Code chapter 162 shall be provided with adequate water as defined in section 162.2(2).

67.3(2) Sanitation.

a. Housing facilities and primary enclosures shall be cleaned a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors.

b. Housing facilities and primary enclosures shall be sanitized at intervals not to exceed two weeks or more frequently as may be necessary to reduce disease hazards. Primary enclosures for dogs and cats in pet shops shall be sanitized at intervals not to exceed 48 hours. Sanitizing shall be done by washing the surfaces with hot water and soap or detergent, followed by the application of a safe and effective disinfectant. Pressure water systems or live steam may be used for cleaning, if animals are removed while cleaning. Runs and exercise areas having gravel or other nonpermanent surface materials shall be sanitized by periodic removal of soiled materials, application of suitable disinfectants, and replacement with clean surface materials.

c. An effective program shall be established and maintained for the control of vermin infestation.

67.3(3) Veterinary care.

a. Programs of disease prevention and control shall be established and maintained.

b. Sick, diseased or injured animals shall be provided with proper veterinary care or disposed of by euthanasia.

c. All species regulated under Iowa Code chapter 162 which are infected with contagious diseases shall be immediately placed into facilities provided for in 67.2(1) "i."

d. All dogs and cats transported into housing facilities regulated under Iowa Code chapter 162, excluding pounds and animal shelters, shall have been vaccinated against distemper and rabies, unless exempted by direct recommendation of the owner's veterinarian or exempted by Iowa Code section 351.33 or 351.42.

e. Each commercial breeder shall enter into a written agreement with a veterinarian licensed in this state to provide veterinary care for the animals maintained in the commercial breeder's facility. The agreement shall include a requirement that the veterinarian visit the facility at least once every 12 months for the purpose of viewing all the animals in the facility, making a general determination concerning the health/disease status of the animals, and reviewing the commercial breeder's program for disease prevention and control. If during the course of the visit, the veterinarian identifies an animal that requires a more detailed individual examination to determine the specific condition of the animal or to determine an appropriate course of treatment, then such examination shall be undertaken.

f. If during an inspection of a facility the department finds an animal which appears to have a physical condition or disease which, in the opinion of the inspector, requires a veterinarian's attention, the department may order that the licensee subject the animal to a veterinarian's examination at the licensee's expense. The department may require the licensee to submit written proof of the veterinarian's examination and results of the examination within a time frame set by the department.

67.3(4) Personnel.

a. The owner or personnel shall be present at least once in each 24-hour period to supervise and ascertain that the care of animals and maintenance of facilities conform to all of the provisions of Iowa Code chapter 162.

b. A sufficient number of employees shall be utilized to provide the required care of animals and maintenance of facilities during normal business hours.

This rule is intended to implement Iowa Code sections 162.1 and 162.2.

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21—67.4(162) Transportation.

67.4(1) Primary enclosures.

a. Primary enclosures utilized in transportation shall be of sound construction and maintained in good repair so as to ensure protection of animals from injury.

b. Floors and lower sides shall be so constructed or shall be covered on the inner surfaces so as to contain excreta and bedding materials.

c. Adequate space shall be provided so that the individual(s) contained therein may comfortably turn about, stand erect, sit or lie.

- d. Openings shall be provided in enclosures so that adequate ventilation can be maintained when they are positioned in the transporting vehicle.
- e. Primary enclosures shall be cleaned and sanitized before each trip.
- f. The temperature within primary enclosures shall not be allowed to exceed the atmospheric temperature; moreover the ambient temperature shall not be allowed to exceed 95° F. for a period of more than two hours, nor be allowed at any time to fall below 45° F. unless the animals are acclimated to lower temperatures.

67.4(2) Vehicles.

- a. Protection shall be afforded to primary enclosures transported in the vehicle, sheltering the animals from drafts and extremes of hot or cold temperatures to which they are not acclimated.
- b. Primary enclosures used in transportation shall be securely positioned in the vehicle to protect the animals from injury.

67.4(3) Care in transit.

- a. Animals in transit shall be provided adequate feed and adequate water as defined in Iowa Code sections 162.2(1) and 162.2(2).
- b. Incompatible animals shall not be placed together during shipment. Females in estrus shall not be placed in the same primary enclosure with a male.
- c. Animals shall be inspected at least once in each six-hour period and their emergency needs attended to immediately.
- d. Animals shall be removed for exercise and their enclosures cleaned if they shall have been en route for a 24-hour period.

21—67.5(162) Purchase, sale, trade and adoption.

67.5(1) Records shall be made, and retained for a period of 12 months for each dog, cat or nonhuman primate sold, traded, or adopted from a licensee or registered pound or animal shelter. Records shall include date of sale or transfer, identification of animal, names and addresses of seller and purchaser or transferor and recipient, and source of the animal. Records shall be similarly kept on other small vertebrate animals sold or transferred, except that individual identifications shall not be required.

67.5(2) Licensees, pounds, and animal shelters shall furnish a statement of sale, transfer, or adoption to each purchaser or recipient of a dog, cat, nonhuman primate, bird, or other vertebrate animal. This statement shall include: Name and address of the seller or transferor, name and address of the purchaser or recipient, date of sale or transfer, description or identification of the vertebrate sold or transferred, prophylactic immunization(s) and date(s) administered, and internal parasite medication(s) given and date(s) administered.

67.5(3) All vertebrate animals regulated under Iowa Code chapter 162 which are known to be exposed to or show symptoms of having infectious and contagious diseases or which show symptoms of parasitism or malnutrition sufficient to adversely affect the health of the animals are restricted from sale or transfer.

The secretary may order quarantine on premises or housing facilities in which any of the above listed conditions in 67.5(3) shall exist. Quarantine shall be removed when at the discretion of the secretary or the secretary's designee, the disease conditions for which quarantined are no longer evident and the apparent health of the animals indicates absence of contagion.

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67.5(4) For the purposes of determining an individual's obligation to be licensed under Iowa Code section 162.8, "breeding animal" will include any sexually intact animal over the age of 12 months. This rule is intended to implement Iowa Code sections 162.6 and 162.8.

21—67.6(162) Public health.

67.6(1) Animal wardens aiding in the enforcement of the provisions of Iowa Code chapter 162 shall enlist veterinary aid in programming control measures to protect the public from zoonotic diseases which may be suspected to be on the premises of a licensee or registrant of said Iowa Code chapter.

67.6(2) Animals, housing facilities, or premises may be placed under quarantine by order of the secretary when it is deemed necessary to protect the public from zoonotic diseases.

21—67.7(162) Kennels, shelters and other facilities—access, seizure and impoundment.

67.7(1) Boarding kennels and commercial kennels.

- a. Records shall be made, and retained for a period of 12 months for each animal boarded, groomed or trained. Records shall include owner's name and address, identification of animal, duration of stay,

service provided and illnesses which have occurred.

b. Animals exhibiting symptoms of disease shall be promptly examined and treated by a veterinarian.

c. Group housing is permitted only if the animals are owned by the same person and are compatible.

d. Grooming and training utensils and equipment shall be cleaned and sanitized between use on animals owned by different persons.

e. Primary enclosures shall be cleaned and sanitized between use in containing animals owned by different persons.

f. Primary enclosures shall utilize latches which cannot be inadvertently opened, or shall be equipped with some form of locking device so as to prevent the accidental release of the animal contained therein.

67.7(2) Animal shelters and pounds.

a. Dogs, cats and other vertebrates upon which euthanasia may be permitted by law, shall be destroyed only as defined by euthanasia under Iowa Code chapter 162.

b. Animal shelters and pounds shall develop and implement a plan providing for the surgical sterilization of all dogs and cats released, unless exempted from this provision in accordance with Iowa Code section 162.20(5).

c. Sterilization agreements shall contain the following:

(1) Name, address and signature of the person receiving custody of the dog or cat.

(2) A complete description of the animal, including any identification.

(3) The signature of the representative of the pound or animal shelter.

(4) The date that the agreement is executed and the date by which sterilization must be completed.

(5) A statement which states the following:

1. Sterilization of the animal is required pursuant to Iowa Code section 162.20.

2. Ownership of the dog or cat is conditioned upon the satisfaction of the terms of the agreement.

3. Failure to satisfy the terms of the agreement constitutes a breach of contract, requiring the return of the dog or cat.

4. A person failing to satisfy the sterilization provisions of the agreement is guilty of a simple misdemeanor.

d. In addition to records required by 67.5(1), animal shelters and pounds shall maintain, for a period of 12 months, the following records:

(1) Euthanasia records, including date of entry, source of animal, and date of euthanasia.

(2) Sterilization agreements, including confirmation in the form of a receipt furnished by the office of the attending veterinarian.

(3) Disposition records of all animals lawfully claimed by owners, research facilities, or Class B federal dealers.

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e. A pound or animal shelter may apply in writing for an enforcement waiver pursuant to Iowa Code section 162.20(5), paragraph "*b.*" The application shall include the specific guidelines under which the waiver is being requested and a certified copy of the ordinance providing the basis for the waiver application. A waiver application fee of \$10 shall accompany the application.

f. A pound or animal shelter shall be subject to civil penalties as provided in Iowa Code section 162.20(3), paragraph "*c.*" for not procuring and maintaining required records documenting compliance with the sterilization agreement, successfully seeking return of the animal from a noncompliant custodian, failing to effect a sterilization agreement when required for an animal which is released, or seeking legal recourse as provided in Iowa Code section 162.20(4). The pound or animal shelter shall be entitled to appeal pursuant to Iowa Code chapter 17A.

67.7(3) Access to facilities and records. The premises, housing facilities and records required by Iowa Code chapter 162 shall be open for inspection by authorized personnel of the Iowa department of agriculture and land stewardship during normal business hours.

67.7(4) Seizure and impoundment.

a. "Animals," as that term is used in this subrule, shall include any dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal. Animals, as that term is used in this subrule, shall not include members of the equine, bovine, porcine, ovine, or caprine species.

b. "Seizure and impoundment," as used in this subrule, may mean either of the following:

- (1) The confinement of the animals to the property of the owner or custodian of the animals with provisions being made for the care of the animals pending review and final disposition.
- (2) The physical removal of the animals to another facility for care pending review and final disposition.

c. Failure of any pound, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction or dealer to adequately house, feed, water or care for the animals in the person's or facility's possession or custody may subject the animals to seizure and impoundment. Seizure and impoundment shall be at the discretion of the secretary. Standards to guide discretion shall include, but not be limited to, the following:

- (1) An assessment of the condition of the animals, including, but not necessarily limited to, direct visual examination. Such assessment may include procedures and testing necessary to accurately determine disease, nutritional, and health status.
- (2) An assessment as to the likelihood that the condition of the animals will deteriorate if action is not taken.
- (3) An assessment as to the degree of failure to provide for the animals. Primary consideration will be based on the general health of the animals and the adequacy with which the animals are being fed, watered and sheltered.
- (4) An assessment as to the history, if any, of the facility's compliance, noncompliance, and willingness to take corrective action. Such an assessment will be based on past inspection reports completed by regulatory personnel from the appropriate licensing agency.
- (5) Court determination, if any, as to the existence of cruelty, abuse or neglect under Iowa Code chapter 717.
- (6) The willingness of the facility to allow frequent monitoring and the ability of the department or local law enforcement officers to provide this service.
- (7) A determination as to whether adequate impoundment facilities or resources exist and are available for use by the department for the seizure and impoundment of animals.

d. In proceeding under this subrule the department may either:

- (1) Petition the court in the county where the facility is located for an ex parte court order authorizing seizure and impoundment, either separately or as part of an action commenced pursuant to Iowa Code chapter 717. The petition shall request an expedited hearing within seven days of the order for seizure and impoundment. The expedited hearing shall determine final disposition of the animals seized and impounded.

(2) Issue an administrative order authorizing seizure and impoundment. The order shall state the finding of facts on which the order was issued. The order shall be personally served upon the owner IAC 6/16/10 Agriculture and Land Stewardship[21] Ch 67, p.7

or manager of the facility. If the owner or manager cannot be found after a reasonable effort to locate, the notice shall be posted conspicuously at the facility. The notice shall state the time and place of an administrative hearing to determine the appropriateness of the seizure and impoundment; and if such seizure and impoundment is upheld, then the hearing shall determine final disposition of the animals seized and impounded.

The administrative hearing shall be held within three days of the seizure unless a continuance is agreed upon by the department and the owner. A decision at the administrative hearing will not be stayed by the department for more than 48 hours pending appeal without a court order. However, the department may delay the disposition if the department determines the delay is desirable for the orderly disposition of the animals. Unless otherwise provided in this subrule, the department will follow adopted departmental rules on the conduct of the administrative hearing.

e. The release of animals for final disposition to the department will allow for the sale, adoption or euthanasia of the animals. Determination of the most appropriate option for final disposition of a specific animal shall reside with the department and be based on, but not limited to, the animal's physical health, the presence of any condition which would necessitate treatment of significant duration or expense, and the appropriateness of the animal as a pet. All due consideration shall be given to the sale or adoption of an animal as the preferable option of disposition.

f. Any moneys generated from the sale or adoption of animals shall be used to provide compensation for the cost of care of the animals while impounded or the cost of disposition. Any

residual moneys shall be directed to the owner. If the moneys generated from the sale and adoption of the animals are insufficient to meet the costs incurred in caring for the animals, the difference may be recovered in an action against the owner of the animals.

g. The department may arrange for impoundment services, including final disposition, with any licensed facility able to adequately provide for the care and disposition of the animals. Animals for which an order is issued authorizing seizure and impoundment shall be individually identified and records maintained relating to their care and final disposition. The department, or their representatives, shall be allowed access during normal business hours to the records and animals impounded.

h. In lieu of seizure and impoundment, the secretary may authorize a one-time dispersal of animals, including by sale, as a remedial option. The owner may petition the department in writing for full or partial dispersal. The petition shall address the terms and conditions for dispersal which are being requested. The department may require additional terms and conditions. The terms and conditions governing dispersal will be contingent upon department approval. Such approval shall be in writing.

i. Conditions of this subrule, subrule 67.7(3), and Iowa Code sections 162.13 and 162.14 shall likewise apply to all eligible licensees and registrants, whether or not they have been properly licensed by Iowa Code chapter 162.

67.7(5) Adoption by reference. The secretary may adopt by reference or otherwise such provisions of the rules, regulations and standards under the federal Acts, with such changes therein appropriate to make them applicable to operations and businesses subject to Iowa Code chapter 162, which shall have the same force and effect as if promulgated under said chapter.

This rule is intended to implement Iowa Code sections 162.3, 162.4, 162.13 and 162.20.

21—67.8(162) Applicability to federally licensed facilities. Other than obtaining the certificate of registration from the secretary, any dealer or commercial breeder, and any person who operates a commercial kennel or public auction under a current and valid federal license shall not be subject to further regulation.

This rule is intended to implement Iowa Code subsection 162.11(2).

21—67.9(162) Acceptable forms of euthanasia. The euthanasia of all animals kept in facilities regulated under Iowa Code chapter 162 and these rules shall be performed in a manner deemed acceptable by and published in the 2007 American Veterinary Medical Association Guidelines on Euthanasia. A copy of this report is on file with the department.

This rule is intended to implement Iowa Code chapter 162.

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21—67.10(162) Loss of license or denial of license.

67.10(1) If a licensee has its license revoked or relinquishes its license while a revocation action is pending, the licensee shall not be eligible to reapply for a new license for at least three years from the date of the revocation or relinquishment. If a licensee has been found in court to have committed an act of animal cruelty or neglect, the licensee shall not be eligible for a new license for at least five years from the date of the revocation or relinquishment. If an applicant has been found in court to have committed an act of animal cruelty or neglect, the applicant shall not be eligible for a license for at least five years from the date of the conviction or guilty plea. The prohibition against relicensure or licensure in this subrule shall include any partnership, firm, corporation, or other legal entity in which the person has a substantial interest, financial or otherwise, and any person who has been or is an officer, agent or employee of the licensee if the person was responsible for or participated in the violation upon which the revocation or conviction was based. The department may waive the three-year bar to relicensure arising from a revocation or relinquishment of a license where a revocation action was pending. Such waiver shall be made on a case-by-case basis. Such a waiver shall only be given if the department finds that the conditions which resulted in the revocation or revocation action have been addressed and there is little likelihood that they will be replicated.

67.10(2) If a licensee has its license revoked or voluntarily relinquishes its license, the licensee shall file with the department a written plan detailing the numbers and types of animals in its facilities and how these animals are going to be legally disposed of to ensure that the animals are being humanely handled and to ensure that the remaining animals are being maintained properly. The licensee shall submit this plan to the department no later than ten calendar days from the date of revocation or relinquishment.

This rule is intended to implement Iowa Code section 162.13.

[ARC 8847B, IAB 6/16/10, effective 5/20/10]

21—67.11(162) Dog day care.

67.11(1) Definition.

“Dog day care” means a facility licensed as a commercial kennel or a boarding kennel and designed and operated with the intention that a dog admitted to the facility is allowed, in compliance with this rule, to mingle and interact with other dogs in one or more playgroups operating in the facility. The purpose of a dog day care is to allow dogs participating in the day care to become socialized through interaction in playgroups with other compatible dogs. A kennel that operates as a dog day care shall not provide overnight boarding or other kennel activities unless, during the time that the day care operation is closed, the kennel is operated in a manner consistent with applicable kennel rules including, but not limited to, paragraph 67.2(1)“k” that restricts the commingling of dogs.

67.11(2) Facility requirements. A facility licensed to be a dog day care shall comply with the following facility requirements:

- a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of dogs from injury.
- b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to rain or snow. Heat, insulation, or bedding adequate to provide comfort shall be provided when the atmospheric temperature is below 50° F or below that temperature to which the particular dogs are acclimated. Indoor facilities shall be provided for all dogs.
- c. Indoor and outdoor facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health and comfort of the dogs. Such ventilation shall be environmentally provided to minimize drafts, moisture condensation, odors or stagnant vapors of excreta.
- d. Ample lighting shall be provided by natural or artificial means or both during sunrise to sunset hours to allow efficient cleaning of the facilities and routine inspection of the facilities and dogs contained therein.
- e. Ceilings, walls, floors, furniture, and play equipment shall be constructed to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished IAC 6/16/10 Agriculture and Land Stewardship[21] Ch 67, p.9 surfaces. Upholstered furniture or carpeting shall not be permitted in that portion of the facility to which dogs have access.
- f. Food supplies and bedding materials shall be stored to adequately protect them from contamination or infestation by vermin or other factors that would render the food or bedding unclean. Separate storage facilities shall be maintained for cleaning and sanitizing equipment and supplies.
- g. Washrooms, basins or sinks shall be provided within or be readily accessible to each facility for maintaining cleanliness among animal caretakers and sanitizing of food and water utensils.
- h. Equipment shall be available for removal and disposal of all waste materials from the building to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to achieve the above purposes.
- i. Facilities shall be provided to isolate any dog that becomes sick or injured or that becomes otherwise incompatible with the other dogs.
- j. Outdoor dog runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the dogs therein without injury. Floors shall be concrete, gravel or materials which can be regularly cleaned and kept free of waste accumulation. Grass runs and exercise areas are permissible provided adequate ground cover is maintained, holes are kept filled and the ground cover is not allowed to become overgrown.
- k. Group interaction is permitted for dogs that are compatible with one another.
- l. The play area for dogs shall provide for a minimum of 75 square feet per dog.

67.11(3) Sanitation requirements. A facility licensed to be a dog day care shall comply with the following sanitation standards:

- a. All areas to which a dog has access shall be cleaned and sanitized a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors. Sanitizing shall be done by washing the surfaces with hot water and soap or detergent, followed by the application of a safe and effective disinfectant. Runs and exercise areas having gravel or other nonpermanent surface materials shall be sanitized by periodic removal of soiled materials, application of suitable disinfectants,

and replacement with clean surface materials.

b. An effective program shall be established for the control of vermin infestation.

67.11(4) Operations. A facility licensed to be a dog day care shall comply with the following operational standards:

a. A dog, including a dog owned by the day care owner or a day care employee, shall be admitted into a day care only after the day care has:

(1) Subjected the dog to a preentry screening process that adequately evaluates the temperament of the dog, the dog's ability to interact with other dogs in a positive manner, and the dog's ability to interact with humans in a positive manner. The screening shall include, but is not limited to, obtaining a social history of the dog from the dog's owner. A written record of the testing shall be maintained by the facility for the time the dog is enrolled in the day care.

(2) Obtained from the dog's owner documentation of the medical history of the dog, including the dog's current vaccination status against distemper and rabies, unless exempted by direct, written recommendation of the owner's veterinarian or exempted by Iowa Code section 351.33 or 351.42.

(3) Determined through documentation or from obvious visual inspection that the dog is at least eight weeks of age.

(4) Obtained documentation that the dog has been spayed or neutered, if the dog is over six months of age.

(5) Obtained a written acknowledgment from the dog's owner that the owner understands the inherent risk of injury or disease when dogs owned by different people are allowed to commingle. This written acknowledgment shall be separately signed or initialed by the dog's owner.

b. The day care shall separate dogs in the day care into playgroups comprised of compatible dogs.

Dogs of incompatible personalities or temperament shall be maintained separately.

c. The day care shall not admit any dog into the day care if the dog has a predisposition to be possessive of either the facility or a person owning or working in the facility.

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d. The day care shall make advance arrangements with a veterinarian to provide emergency veterinary care for dogs at the day care.

e. A sick, diseased or injured dog shall be immediately removed from the playgroup and isolated. If circumstances indicate that immediate veterinary care is required, the dog shall be taken to a veterinarian or a veterinarian shall be called to examine the dog. The veterinarian can be either a veterinarian whose services have been contracted for by the day care or the veterinarian designated by the dog's owner, if a timely examination by that veterinarian is feasible.

f. Feeding of dogs and giving of snacks to a dog shall only be provided when the dog receiving the food or snack is outside the vision of the other dogs in the playgroup.

g. A day care shall not establish a playgroup composed of more than 15 dogs.

h. A day care shall employ sufficient staffing so that there is a minimum of one person assigned to each playgroup. The person supervising a playgroup shall be in continuous visual or auditory contact with the playgroup at all times.

This rule is intended to implement Iowa Code sections 162.6 and 162.9.

21—67.12(162) Fostering oversight organizations and foster care homes.

67.12(1) As used in this rule, unless the context otherwise requires:

"Foster care home" means a private residence that is authorized to provide temporary shelter and care for an animal which has been accepted by a fostering oversight organization.

"Fostering oversight organization" means a registered animal shelter or a registered pound, as defined in Iowa Code chapter 162, which has been authorized by the department to utilize foster care homes in its operation.

67.12(2) A registered animal shelter or registered pound shall not operate a foster care home or operate an organization that utilizes a foster care home unless the shelter or pound is in compliance with this rule and other applicable provisions of this chapter and Iowa Code chapter 162.

67.12(3) A registered animal shelter or registered pound may apply to the department for a permit authorizing the shelter or pound to utilize one or more foster care homes in carrying out its mission of providing for the care and maintenance of an animal which has been taken in or entrusted to the animal shelter or pound. For purposes of this rule, an animal shelter or pound which has been granted such authorization shall be considered a fostering oversight organization.

67.12(4) Neither a registered animal shelter nor a registered pound may utilize a foster care home unless the shelter or pound has been granted authorization by the department to be a fostering oversight organization. An animal shelter or pound which uses a foster care home without first obtaining a permit authorizing the shelter or pound to be a fostering oversight organization shall be considered to be operating illegally, shall be subject to suspension or revocation of its license to operate, and may be subject to other penalties authorized in Iowa Code chapter 162.

67.12(5) A registered animal shelter or registered pound seeking to obtain a permit to be a fostering oversight organization shall make application to the department on a form prescribed by the department. When feasible, the application shall be submitted to the department at the same time that the registered animal shelter or registered pound submits its certificate of registration renewal application. The permit application shall provide sufficient information to allow the department to determine the ability of the proposed fostering oversight organization to provide adequate screening and oversight of any foster care home operating under the authority of the fostering oversight organization. Such application shall include, but is not limited to, the following information:

- a.** The proposed fostering oversight organization's plan for screening a prospective foster care home. Such plan shall include the criteria to be used by the fostering oversight organization in determining whether a person who will be operating a foster care home is capable of caring for the animals that may be placed in the foster care home.
- b.** The proposed fostering oversight organization's plan for providing oversight to the foster care home. The plan shall include the frequency of inspections of the foster care home by the fostering oversight organization and the criteria to be used by the fostering oversight organization in reviewing the foster care home during periodic inspections. The plan shall also include the actions to be taken by IAC 6/16/10 Agriculture and Land Stewardship[21] Ch 67, p.11 the fostering oversight organization in the event that the fostering oversight organization determines that the foster care home is not adequately providing for the animals in the foster care home.
- c.** The name, address, and telephone number of the staff person connected with the proposed fostering oversight organization who will have primary responsibility for administering the proposed foster care program.
- d.** The name, address, and telephone number of a secondary staff person connected with the proposed fostering oversight organization who will have responsibility for administering the proposed foster care program in the absence of the primary administrator.

67.12(6) The initial approval of a fostering oversight organization shall be in effect only until the next expiration date of the registered pound or registered animal shelter's license. Thereafter, a fostering oversight organization permit renewal shall be concurrent with the facility's certificate of registration renewal, unless circumstances otherwise require.

67.12(7) A fostering oversight organization shall require that all persons seeking to operate a foster care home under the fostering oversight organization submit a written application to the fostering oversight organization specifying the proposed foster care home's qualifications, including, but not limited to, the ability of the foster care home to provide adequate care, exercise, feed, water, shelter, space, and veterinary care.

67.12(8) A fostering oversight organization shall not be authorized to approve more than 20 foster care homes. In granting a permit to a fostering oversight organization, the department may further restrict the number of foster care homes a particular fostering oversight organization may utilize if the department determines that the fostering oversight organization does not have adequate personnel to supervise the number of foster care homes for which authorization was sought. The department may authorize the fostering oversight organization to approve more than 20 foster care homes only if the department finds that the fostering oversight organization has and maintains adequate personnel assigned to provide sufficient oversight of foster care homes.

67.12(9) A fostering oversight organization shall not authorize a foster care home to have in its care more than 4 foster care animals over four months of age or 12 foster care animals less than four months of age, unless the foster care animals less than four months of age are from no more than two biological litters. When a nursing litter is placed in a foster care home, the nursing mother shall not be counted toward any applicable animal limitations for two weeks after the litter is weaned. Any approval of a foster care home shall not be interpreted to limit or override any local government's limitations on the number of animals that may be kept on a single premises.

67.12(10) A person who has been found to have engaged in or participated in an act constituting animal abandonment, neglect, cruelty, or abuse shall not be authorized to operate a foster care home. In addition, if a person has had a license or permit issued under Iowa Code chapter 162 or under the United States Department of Agriculture's animal care program revoked or has surrendered that person's license in lieu of revocation, then that person shall not be authorized to operate a foster care home.

67.12(11) A fostering oversight organization shall not place a sexually intact animal in a foster care home where there is a sexually intact animal of the opposite sex of the same species, unless the fostering oversight organization determines that the fostered animal is too young to breed. If the fostering oversight organization determines that a sexually intact animal may be placed in a foster care home with another sexually intact animal of the opposite sex of the same species because the fostered animal is too young to breed, then the fostering oversight organization shall monitor the physical development of the fostered animal to either remove the animal before it is capable of breeding or to neuter or spay the fostered animal.

67.12(12) The fostering oversight organization shall retain a copy of all the following documents for a period of 24 months and shall make such documents available for inspection by the department during regular business hours:

a. Applications to operate a foster care home, including any written approvals, conditional approvals, or denials.

b. Inspections or other reports relating to the operation of a foster care home.

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c. Any written complaints or notes written by staff of the fostering oversight organization relating to an oral complaint against a foster care home.

d. Any documents relating to the investigation or other resolution of a complaint regarding a foster care home.

e. Any documents relating to the revocation or suspension of a foster care home's authorization.

67.12(13) The fostering oversight organization shall maintain detailed records as to which animals have been placed in a foster care home, when each animal was placed in a foster care home, and the ultimate disposition of each animal.

67.12(14) All adoptions and euthanasias of animals placed in a foster care home shall be the responsibility of the fostering oversight organization and shall not be performed by the foster care home, unless an emergency euthanasia must be performed by a licensed veterinarian to prevent the needless suffering of the animal.

67.12(15) All deaths, injuries, or emergency euthanasias occurring within a foster care home shall be reported to the fostering oversight organization within 24 hours of the event.

67.12(16) It is the primary responsibility of the fostering oversight organization to provide for oversight and regulation of its foster care homes; however, the department may choose to inspect a foster care home if the department determines that it would be in the best interests of the animals being maintained in the foster care home to conduct the inspection or if the department deems an inspection is desirable to determine whether a fostering oversight organization is properly fulfilling its role of screening and oversight of foster care homes. If the department determines that either serious or chronic problems exist in a foster care home, the department may order the fostering oversight organization to suspend or rescind the authorization of the foster care home. The fostering oversight organization shall immediately obtain physical examinations of all animals previously placed in the foster care home.

67.12(17) If the department determines that a fostering oversight organization is not providing adequate screening or oversight of its foster care homes, then the department may suspend or rescind the fostering oversight organization's authorization to use foster care homes.

67.12(18) If the department suspends or revokes the license of an animal shelter or pound and that animal shelter or pound is also a fostering oversight organization, then the authorization of the animal shelter or pound to operate as a fostering oversight organization shall immediately cease, and the authorization of the foster care homes operating under that fostering oversight organization shall also immediately cease.

This rule is intended to implement Iowa Code chapter 162.

21—67.13(162) Greyhound breeder or farm fee. A person who owns, keeps, breeds, or transports a greyhound dog for pari-mutuel wagering at a racetrack as provided in Iowa Code chapter 99D shall pay a fee of \$40 for the issuance or renewal of a state license.

This rule is intended to implement 2010 Iowa Acts, House File 2280, section 5.

[**ARC 8636B**, IAB 4/7/10, effective 3/9/10]

[Filed 12/9/74]

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[Filed Emergency ARC 8636B, IAB 4/7/10, effective 3/9/10]

[Filed Emergency ARC 8847B, IAB 6/16/10, effective 5/20/10]

Muscatine Humane Society, Inc.

Nancy E. Kent Animal Shelter
920 South Houser Street
Muscatine, Iowa 52761

Telephone 563-263-7358
E-mail: Humanesoc@machlink.com

Shelter Director: Chris McGinnis

February 15, 2011

Mr. Gregg Mandsager, City Administrator
215 Sycamore Street
Muscatine, IA 52761

Re: Contract Proposal

Dear Mr. Mandsager:

The Muscatine Humane Society (MHS) would like to summarize our proposal to the City of Muscatine for the animal services that the MHS would provide.

We will provide full service to the City and City residents as we have in the past, without limit, from the present time to June 30, 2011, for the payment of \$3,500 per month.

For the total annual sum of \$84,996, paid per month at \$7,083, for the City's fiscal year of July 1, 2011, through June 30, 2012, the MHS would take animals from the City Animal Control Officer, the Muscatine Police Department, and residents of the City of Muscatine without limit.

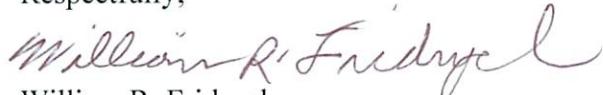
Those services that were provided by the MHS over the past years would continue to be provided.

The MHS will present a contract to the City outlining those services by March 31, 2011.

The MHS will continue to provide all of the services that the residents of Muscatine have come to expect.

The Board of the MHS wants to thank the City Council for the time and consideration that has been spent on trying to come to an agreement with the MHS for services provided.

Respectfully,



William R. Fridrych
President, Board of the MHS

Nancy Pagel, Vice President
Wayne Gardner, Treasurer
Taura Prosek, Secretary

Linda Johnson
Bill Mark
Mary Ann Schepers

Eric Thomsen