

CHAPTER 67

DOMESTIC ANIMAL CONTROL

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**SEC. 67.1 DEFINITIONS.**

1. "Domestic animal" means any animal owned by a citizen as a pet, for profit, or for any other purpose.
2. "At large" refers to any domestic animals running otherwise upon the premises of its owner when the domestic animal is not attached to a leash held by a competent person, restrained within a motor vehicle or in an animal hospital or kennel.
3. "Owner" includes any person, firm or corporation owning, harboring, sheltering or keeping a domestic animal.

**SEC. 67.2 DOMESTIC ANIMALS DISTURBING THE PEACE.**

1. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to run at large within the city.
2. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.
3. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to cause serious annoyances or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

**SEC. 67.3 DOMESTIC ANIMALS RUNNING AT LARGE--IMPOUNDMENT.**

1. Any domestic animal found at large in violation of this chapter shall be seized and impounded at the owner's expense.
2. Any person appearing within seven days after the impounding of any domestic animal shall, upon proper identification and upon payment to the police chief of a fee as set by city council resolution, plus board and upkeep to be paid to the veterinarian clinic, have such animal released.
3. Owners of a licensed domestic animal shall be notified in writing that, upon payment of the fees described in subsection (2), the domestic animal shall be returned. In the event of such notice, the seven-day period shall commence from the date of written notice.
4. If such domestic animal is not claimed within seven days from the date of impounding or, if applicable, from the date of written notice, they shall be disposed of in a humane manner.

**SEC. 67.4 REPORT OF FEES AND EXPENSES.** The police chief shall report to the city council all fees imposed and collected and all expenses incurred pursuant to the provisions of this chapter. The net proceeds, if any, shall be deposited into the general fund of the city treasury.

**SEC. 67.5 PENALTY.**

1. Any person who keeps or harbors any domestic animal or fowl and allows the animal or fowl to run at large within the city is guilty of a misdemeanor.
2. Any person who keeps or harbors within the city such bothersome animals, fowls or insects as barking dogs, cattle, horses, swine, sheep, chickens, ducks or bees which tend to disrupt the peace and good order of the community is guilty of a misdemeanor.

**SEC. 67.6 HORSES PROHIBITED IN PARKS.** No person, firm or corporation shall cause any horse to enter onto or across any public park or cemetery within the city without obtaining prior approval from the city council.

**SEC. 67.7 CRUELTY TO ANIMALS.** No person shall torture, torment, mutilate, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether maliciously, willfully or negligently.

**SEC. 67.8 DISPOSAL OF DEAD ANIMALS.** The owner of any dead animal, within the city, who fails, neglects or refuses to properly bury or dispose of the same within twenty-four hours after having notice thereof, is guilty of a misdemeanor.

**SEC. 67.9(1) DEFINITIONS.**

- (a) Dangerous Animal Means

- (1) Any animal or species of animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having tendencies as a species to do so; or
  - (2) Any animal declared to be dangerous by the City Council or the Animal Control Officer; or
  - (3) The following animals shall be deemed dangerous animals, but not limited to: lions, tigers, jaguars, leopards, cougars, lynx, ocelots and bobcats; black bears, polar bears, and grizzly bears; crocodiles and alligators; all venomous and constricting snakes; wolves and foxes; badgers, wolverines and weasels. A ferret shall not be deemed a dangerous animal.
- (b) Dangerous Dog Means
- (1) Any dog over the age of 6 months with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
  - (2) Any dog which attacks a human being or other domestic animal without provocation; or
  - (3) Any dog declared to be dangerous by the City Council or an Animal Control Officer.
- (c) Guard Dog shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler.
- (d) Animal Control Officer shall mean the Waverly Police Chief or a Waverly Police Officer designated by the Chief to perform the duties of Animal Control Officer for the purpose of this Chapter.

**SEC. 67.9(2) KEEPING OF DANGEROUS ANIMALS PROHIBITED.**

- (a) No person shall keep, shelter, or harbor as a pet, guard, or for other purpose, within the city, a dangerous animal as defined herein, except as provided in 67.9(2)(b).
- (b) The prohibition contained in 67.9(2)(a) shall not apply to the keeping of dangerous animals in the following circumstances:
  - (1) The keeping of bulls for farm purposes in a U-1 Unclassified District; or A-1 Agricultural District.
  - (2) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;
  - (3) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 109 and 109A of the

**SEC. 67.9(3) REGULATION OF KEEPING OF DANGEROUS ANIMALS.**

- (a) Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to 67.9(2)(b) shall report such fact, in writing to the Animal Control Office.
- (b) Every person, firm, or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or enclosure.
- (c) Every person, firm or corporation owning, keeping or harboring a poisonous, dangerous animal shall be required to keep ten doses of anti-venom on hand and current at all times.
- (d) It shall be the owner's responsibility to notify the Animal Control Officer immediately in the event that a dangerous animal has escaped and is at large.
- (e) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such animal, may in the discretion of the Animal Control Officer, be destroyed if it cannot be confined or captured. The City of Waverly shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- (f) Order to Remove. In the event the Animal Control Officer determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provision of this chapter, the Animal Control Officer may in his/her discretion have such individual or entity prosecuted for such violation, and or he/she may order such individual or entity to remove such dangerous animal from the city to destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the Animal Control Officer shall be appealable to the City Council, which may affirm or reverse such order, and the notice shall so state.
- (g) Appeal. Any individual or entity desiring to appeal an order issued by the Animal Control Officer pursuant to 67.9(3)(g) to the City Council, may do so by filing a written appeal seven days after receipt of the notice to remove dangerous animal. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within thirty days of the receipt of notice of appeal. After such hearing, the City Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within twenty days after the hearing, or any continued session thereof.
- (h) If the City Council affirms the action of the Animal Control Officer, the City Council shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with in seven days of its issuance, the Animal Control Officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven

days. If at the end of the impoundment period, the individual or entity against whom the decision an order of City Council was issued has not petitioned the Bremer County District Court for a review of the order, the Animal Control Officer shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the City Council issued pursuant thereto shall constitute a misdemeanor, and be punishable by a fine of not less than fifty dollars (\$50.00).

- (i) Every order of the City Council issued pursuant to the provision of this section shall set forth the language of subsection 67.9(3)(h) hereof.

**SEC. 67.9(4) KEEPING OF DANGEROUS DOGS PROHIBITED.**

- (a) No person shall keep, shelter or harbor as a pet, within the city, a dangerous dog as defined in Section 67.9(1)(b).
- (b) A dangerous dog is "at large" if such dangerous dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such dog may only be kept as set out above if the owner is waiting an appeal or a decision of the City Council to determine if the dog is a dangerous dog under the terms of this ordinance.
- (c) In the event that a dangerous dog is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such dangerous dog, may in the discretion of the Animal Control Officer, be destroyed if it cannot be confined or captured. The City of Waverly shall be under no duty to attempt the confinement or capture of a dangerous dog found at large, nor shall it have a duty to notify the owner of such dangerous dog prior to its destruction.
- (d) Order to Remove. In the event the Animal Control Officer determines that a dangerous dog is being kept, sheltered or harbored by any individual or entity in violation of the provisions of this chapter, the Animal Control Officer may in his/her discretion have such individual or entity prosecuted for such violation, and he or she may order such individual or entity to remove such dangerous dog from the city or destroy it. Such which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the Animal Control Officer shall be appealable to the City Council, which may affirm or reverse such order, and the notice shall so state.
- (e) Appeal. Any individual or entity desiring to appeal an order issued by the Animal Control Officer to the City Council, may do so by filing a written appeal seven days after receipt of the notice to remove the dangerous dog. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within thirty days of the receipt of notice of appeal. After such hearing, the City Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within twenty days after the hearing, or any continued session thereof.
- (f) If the City Council affirms the action of the Animal Control Officer, the City Council shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or

entity against whom rendered in the same manner as the notice of removal. If the order is not complied with in seven days of its issuance, the Animal Control Officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Council was issued has not petitioned the Bremer County District Court for a review of the order, the Animal Control Officer shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the City Council issued pursuant thereto shall constitute a misdemeanor, and be punishable by a fine of not less than fifty dollars (\$50.00).

- (g) During the appeal process, if the owner does not have a securely enclosed and locked pen, the owner shall confine the dangerous dog within the owner's residence, at a veterinarian hospital or at a kennel. This confinement shall be at the owner's expense.

**SEC. 67.9(5) EXCEPTIONS: GUARD DOGS.** The prohibition contained in this article shall not apply to keeping of guard dogs. However, guard dogs must be kept within a structure or a fenced enclosure at all times, and any guard dog found at large may be processed as a dangerous animal pursuant to the provisions of this article. Any premises shall inform the Animal Control Officer or Police Department, in writing, that a guard dog is on duty at the premises. It shall be the owner's responsibility to notify the Police Department immediately when a guard dog has escaped and is running at large.

