

5-1-1: ANIMALS AT LARGE:

- A. No cattle, horses, mules, swine, sheep, goats, or any geese, ducks, turkeys, chickens or other animal or fowl (hereinafter referred to as animal) shall be allowed to run at large within the city, nor shall any animal be permitted to be staked or tied out to graze on or in front of any person's premises, without the consent of such person, nor shall any animal be permitted to be staked or tied out to graze in public streets, alleys or avenues of the city.
- B. Any animal found in violation of the provisions of any of the subsections of this section by a sanitary inspector, animal control officer or any police officer of the city, or any other person, may be apprehended and impounded with the city, or an alternate pound or shelter designated by the city. It shall be unlawful for any person employed by the city, or any person employed by or connected with the animal pound or shelter or any society or organization operating or maintaining such pound or shelter under lease or contract with the city, to sell, give away or dispose of, through any pretext or by any device or means whatsoever, any animal impounded in such pound or shelter to any person, organization or research facility for the purpose of using such animal as food, unless such animal is of a type that is customarily used for food, or for the purpose of medical experimentation unless the research facility, person or organization desiring such animal for medical experimentation is duly approved and authorized by the state to conduct such experimentation, or for any other purpose except for pets and related activities.
- C. The harboring of any animal requires that the following guidelines be followed:
 - 1. All such species must be restrained upon the owner's property and penned (housed or stabled) in such a manner that the animals will not place any person in fear of attack.
 - 2. All animals that are included in this section shall be required to have adequate space as so designated by the zoning ordinance according to the size and needs of the various animals, and each animal shall be so restrained in an area to allow proper exercise for the particular species involved.
 - 3. When the owner restrains (harbors) any animal in an area not adjoining the owner's residence, the owner shall post his name, address and phone number at the place where the animal is being restrained (harbored).
- D. Any wild, nondomestic animals, reptiles or birds, in captivity in the metropolitan area of the city, except such animals that are within the city for the purposes of display by a show, act, carnival, zoo, circus or promotional agency, which are known to be dangerous, poisonous, vicious or ferocious, shall be registered with the following agencies of the city: the animal control officer, the police department and the humane society. If such animals are in the metropolitan area as part of a show, act, carnival, zoo, circus or promotional agency, then such group shall show adequate

and ample restraints placed upon the animals as to protect the health and safety of the exposed public.

If such animal becomes at large within the city and poses a threat to the public, it shall be assumed that the owner has given consent to eliminate the animal with the cost to be borne by the owner. The mayor, the animal control officer or any police officer may order the elimination of such animal.

- E. Fees And Charges: The owner or caretaker of an animal of any type that is restrained or impounded in accordance with the provisions of this chapter shall be liable to pay all costs of impoundment. The costs of impoundment shall include all feed and boarding fees, tattoo or microchip implant fees, testing fees for rabies or other communicable diseases, fees for sedation and special handling, and charges for reasonable medical services, equipment or supplies. In addition, the owner or caretaker shall pay to the city clerk a pickup fee of twenty-five dollars (\$25.00) for the first pick up which occurs in a calendar year and ten dollars (\$10.00) per day for a holding fee. The pickup fee shall increase ten dollars (\$10.00) for each additional pickup fee incurred within the calendar year (i.e., second pickup fee is \$35.00, third pickup fee is \$45.00, etc.). All fees or charges of any type or nature shall be paid in full at the time the animal is redeemed.

5-1-2: SWINE PROHIBITED; EXCEPTIONS:

- A. No person shall keep or harbor any pigs or have any pig pens or pig sties within the city, except as follows:
1. Nothing contained in this section shall prevent the harboring and keeping of pigs and use of pig pens and sties in connection with a general farming operation on tracts of farmland of the size of forty (40) acres or greater.
 2. Nothing herein contained shall prevent the keeping of pigs and use of pig pens and sties within the confines of any meatpacking plant where such pigs have been brought for butchering and processing.
 3. Nothing herein contained shall prevent the keeping of pigs which are housed at the Sunrise Exchange Club Petting Zoo.
- B. The provisions of this section shall be subject to the provisions of this code and other ordinances of the city relating to nuisances.

5-1-3: USE OF TRANQUILIZER GUNS AND DRUGS:

- A. The animal control officer, his agents or any police official shall be able to use a tranquilizer gun or any other drug to bring an animal at large under control.

- B. In order to use a tranquilizer gun or other drugs, the animal must be at large and pose a threat or danger to the general public or to the city officer trying to bring the animal under control.
- C. If it becomes necessary for the animal control department or the police department to use a tranquilizer gun or other drugs to bring an animal at large under control, the city shall not be held responsible for any damage done to the animal by the use of the tranquilizer gun or other drugs.
- D. The owner of the animal that needs sedation to bring it under control shall pay for costs of the sedation and for the care and feeding while the animal is under control of the city or the humane society.

5-1-4: DISPOSAL OF DEAD ANIMALS:

A person caring for or owning any animal that has died shall not allow the carcass to remain about his premises. Such carcass shall be disposed of within twenty four (24) hours after death.

5-1-5: TRAPPING RESTRICTIONS:

No person shall set or use any steel, claw, leghold, conibear, snare or box trap outside of any structure or building for the purpose of taking, killing, maiming, wounding, ensnaring or capturing an animal or which is injurious to persons or animals, except for the following:

- A. Any trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of public or property;
- B. Licensed pest and rodent control persons in protection of private property;
- C. During the season allowed by the state conservation commission for taking of fur-bearing animals on parcels of land privately owned of forty (40) acres or more, or public land controlled by a governmental agency issuing such rights to trapping;
- D. Wire cage box traps may be used to remove nuisance pests from private property; said traps must be checked every twelve (12) hours;
- E. A private property owner on his private property in order to control small rodents, such as gophers, moles and other similar animals.

5-1-6: CRUELTY TO ANIMALS:

No theatrical exhibit, circus, animal act or show shall be held in which animals or fowl are encouraged or made to perform through the use of chemical, electrical or mechanical means or devices. If any person shall torture, torment, mutilate, cruelly beat or cruelly kill any animal or fowl, or unnecessarily fail to provide the same with adequate

feed and water, shelter or protection from the weather, or cruelly abandon the same, or shall commit any other act of omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or fowl, whether the acts or omissions herein contemplated be committed either maliciously, wilfully or negligently, and if any person shall knowingly permit such act or omission or shall cause or procure the same to be done, he shall be deemed guilty of a misdemeanor.

5-1-7: USE OF ANIMALS RESTRICTED:

- A. Artificially Colored Animals; Sale: No chick, duckling, gosling or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale, raffled, offered or given as a prize, premium or advertising device, or displayed in any store, shop, carnival or other public place.
- B. Use As Advertising Devices:
 - 1. Chicks, ducklings and goslings, younger than four (4) weeks of age may not be sold or offered for sale, raffled or offered or given as a prize, premium or advertising device, in quantity of less than twelve (12) birds to an individual person unless sold by a person engaged in the business of selling chicks, ducklings and goslings for agricultural or wildlife purposes.
 - 2. Stores, shops, vendors and others displaying chicks, ducklings or goslings to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings or goslings in good health, and shall keep adequate food and adequate water available to the birds at all times.

5-1-8: SANITARY CONDITIONS MAINTAINED:

- A. Sanitary Premises: It shall be unlawful for the owner, caretaker or person in charge of any dog, cat, horse or other animal to permit excrement or droppings from any of said animals to collect on the premises of said person causing odor or an unsanitary condition. Each owner, caretaker or person in charge of an animal shall prevent said animal from interfering with any neighboring residents' peaceful and quiet enjoyment of their property.
- B. Owner To Clean Up Droppings: It shall be unlawful for any owner, caretaker or person in charge of a dog, cat, horse or other animal to fail to clean up and/or remove as soon as possible any excrement or droppings deposited by said dog, cat, horse or other animal on any real estate, whether privately owned or publicly owned, other than on the premises of the owner, caretaker or person in charge; provided, however, that the foregoing does not apply to excrement or droppings deposited by Waterloo police dogs or horses when police officers are using said dogs or horses for official police duties.
- C. Confined Animal Waste Disposal Systems; Exterior Residential Use Only: Anyone who owns or otherwise cares for any animal in a residential zone, as defined in the

Waterloo zoning ordinance, and who intends to install a confined waste system shall conform to all of the following requirements:

1. The confined waste system container (hereinafter "container") shall have a maximum volume of two and thirty six-hundredths (2.36) cubic feet or seventeen and seventy two-hundredths (17.72) gallons.
2. The container shall be placed in an area of the property not normally occupied or used for play or recreation, and the container shall be buried so that the lid remains exposed.
3. The container shall have a waterproof lid that shall remain closed at all times. The lid may be removed only when animal excrement or droppings are deposited or added. The lid shall, thereafter, be immediately replaced.
4. Lime or activated enzymes shall be added periodically to promote the continued decomposition of waste.
5. Enforcement of this subsection shall be by the Black Hawk County health department and/or the animal control officer, as designated by the city council.

5-1-9: ANIMALS BITING PERSONS:

- A. Duty to Report: It shall be the duty of the owner or caretaker of any dog, cat or any other animal which has bitten or attacked a person, or of any person having knowledge of such bite or attack, to report this act to the health department, police department or animal control. It shall be the duty of physicians or veterinarians to report to the health department the existence of any animal known or suspected to be suffering from rabies.
- B. Confinement: When a member of the health department, police department, animal control or humane officer receives information that any person has been bitten or attacked by an animal, or that a dog, cat or other animal is suspected of having rabies, the official shall order the owner or caretaker to confine such animal in the manner and place the official directs. If the owner or caretaker fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such official, and after ten (10) days the animal may be humanely destroyed if it is not redeemed. Before such animal is returned to its owner or caretaker, all fees and charges of impoundment as set forth in section 5-1-1(E) must be paid in full.

5-1-10: NOISY OR ANNOYING ANIMALS:

It shall be unlawful for the owner or caretaker of a dog, cat or other animal to permit or allow said dog, cat or other animal to cause serious annoyance or disturbance to a person or persons by frequent and habitual howling, whining, yelping, barking or other vocal emittance to the unreasonable annoyance of others. After the first written warning, residents of at least three (3) neighboring households must sign a citation or a

petition. If the party charged pleads not guilty, the signatories will be asked to appear in court to testify. Proof of ownership of a dog, cat or other animal shall constitute in evidence a prima facie presumption of permission of the owner in any proceedings charging any violation of this subsection.

5-1-11: CHRONIC VIOLATORS:

- A. If the owner or caretaker of a dog, cat or other animal is charged or cited, more than three (3) times in any period of twelve (12) months, with a violation of this chapter that requires a service call by animal control to a specific location, a nuisance is hereby declared to exist due to excessive service calls by animal control that place an undue and inappropriate burden on the taxpayers of the city, and said person shall be charged a nuisance service fee of \$50.00 per hour per officer for subsequent responses involving the same person or his or her household. Any fraction of an hour is tabulated as a complete hour.
- B. Written notice that a person is a chronic violator of this chapter shall be directed to such person, and such notice is appealable to the city council as set forth in section 5-1-12.
- C. For any person whose status as a chronic violator is not overturned on appeal, any subsequent service fees chargeable to such person after the date of initial notice will be assessed against the person's property, as shown by the city's animal licensing or registration records, in the manner of a property tax if the service fees are not paid within thirty (30) days.

5-1-12: ADMINISTRATIVE PROCEDURES:

- A. Any notice or order issued under this chapter shall be in writing and shall be delivered either personally, by certified mail or by conspicuous posting on the entry door of the premises. A notice or order shall be deemed to have been delivered at the time of personal delivery, three (3) business days after the date of mailing, or one (1) business day after posting.
- B. Bonds: Any bond required by this chapter shall be in an amount totaling the current daily rate of impoundment at animal control multiplied by forty-five (45) days, but not to exceed seven hundred fifty dollars (\$750.00). The bond may be filed as a cash bond or a surety bond executed by a solvent company authorized to do business in the State of Iowa and which is acceptable to the city. If the city council ultimately reverses the notice or order appealed from, all costs paid and any bond posted by the owner or caretaker shall be refunded. If the animal or dog is found to have been kept, harbored, or sheltered in violation of this chapter, any fees or charges incurred in caring for the animal or dog, as set forth in section 5-1-1(E), through the appeal process shall be charged against the bond, and the owner or caretaker shall be liable for any excess.
- C. Appeal Procedure:

1. Any individual or entity desiring to appeal a notice or order issued by animal control may do so by filing a written appeal with the city clerk within seven (7) days after the date of delivery of such notice or order. The notice of appeal shall state the grounds for such appeal. In addition, a filing fee of fifty dollars (\$50.00) must also be paid to the city clerk for the appeal to be considered filed.

2. The hearing on the appeal shall be scheduled for a date within thirty (30) days of the receipt of notice of appeal and shall be scheduled for no more than thirty (30) minutes in length or such additional time as the city council in its discretion may deem necessary. If the appellant desires additional time, he or she must make application to the city council for an extension at least seven (7) days prior to the hearing. The appeal hearing shall be simple and informal, without regard to technicalities of procedure or rules regarding admissibility of evidence. The city council may consider any evidence it considers credible, including written summaries and other secondary sources, and give such weight to the evidence as it considers warranted. After such hearing, the city council by simple majority may affirm or reverse the finding or order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the city clerk within ten (10) days after the hearing, or any continued session thereof, and the city clerk shall deliver a copy of the decision to the appellant.

5-1-13: ENFORCEMENT:

- A. In addition to any police officer of this city, animal control officers shall have police powers in enforcement of this chapter; and no person shall interfere with, hinder, molest or abuse any such officer in the exercise of his or her powers. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, any officer is empowered to enter upon any premises upon which a dog, cat or other animal is kept or harbored and to demand proof by the owner or caretaker of such dog, cat or other animal that the animal is licensed and has had the proper rabies vaccination tag.
- B. If a police officer or animal control officer shall find upon inspection of a private premises that a dog, cat or other animal has not received rabies shots, is not licensed, or has inadequate feed, water or shelter, the officer may remove said dog, cat or other animal to the city impoundment facility, with a veterinarian or at a kennel. Following impoundment, animal control shall give written notice to the owner, if known, within two (2) days. If the owner does not redeem the dog, cat or animal within ~~five (5) seven (7)~~ days after the date of the notice, the animal may be humanely destroyed or, in appropriate circumstances as determined by animal control, may be disposed of by sale or by donation to a suitable animal shelter or rescue organization. Fees and charges of said removal and boarding of said animal, as set forth in section 5-1-1(E), shall be paid by the owner or caretaker of the dog, cat or other animal from whom it was taken.

5-1-14: DEFINITIONS:

For purposes of this chapter, including each article under this chapter, unless the context indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

ANIMAL CONTROL: The city department and its officers that have been appointed by the city council to enforce the animal control ordinances of the city, or another governmental agency or private party which the city council has appointed by contract for such purpose.

AT LARGE: An animal is at large if it is found within the city off the premises of its owner or caretaker, however, an animal will not be deemed at large if:

1. It is properly housed in a veterinary hospital, licensed kennel, pet shop, or animal shelter.
2. It is under the control of authorized public safety personnel.
3. It is under the control of a professional handler for special events including, but not limited to, 4-H events, school events, sanctioned pet or animal shows, training activities, or animal-assisted therapy.

In addition, a dog or cat, properly licensed as required by article A of this chapter, will not be deemed at large if (i) it is restrained by a rope, leash, cord, chain, or restraining device not more than four (4) feet in length, or is properly restrained within a motor vehicle or trailer, or (ii) it is within the fenced boundaries of an area designated by the city as a dog park and the owner or caretaker is present.

CARETAKER: Any person having possession of an animal, for a period of more than six hours for any purpose, where the person in possession does not own the animal, other than a licensed veterinarian, animal behaviorist, animal shelter, or member of the owner's immediate family who resides in the same household as the owner.

OWNER: Any person owning, keeping or harboring an animal or fowl.

ARTICLE A

5-1A-1: DEFINITIONS:

As used in this article, unless the context indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section. In addition, the words and phrases defined in sections 5-1-14 shall apply to the provisions of this article, to the extent applicable.

ADEQUATE FEED: The provision at suitable intervals of not more than twenty four (24) hours or longer if the dietary requirements of the species so require, of a quantity of 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.

ADEQUATE WATER: A supply of clean, fresh, potable water supplied in a sanitary manner at least twice daily at suitable intervals for the animal and not to exceed twelve (12) hours at any interval.

ANIMAL POUND OR SHELTER: A facility operated by the city 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 the city.

BOARDING KENNEL: 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.

COMMERCIAL BREEDER: A person engaged in the business of breeding dogs or cats, or both, for sale, whether or not such animals are raised, trained, groomed or boarded by such breeder.

COMMERCIAL KENNEL: A kennel which performs grooming or training services for dogs or cats, or both, and may or may not render boarding services in return for a consideration.

DEALER: Any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats as a principal or agent, or who holds himself out to be so engaged.

~~**HOBBY KENNEL:** A noncommercial kennel at, in or adjoining a private residence where dogs or cats, or both, are kept for the hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows or field or obedience trials, or for guarding or protecting the householder's property and from which offspring with a total value in excess of one hundred dollars (\$100.00) are sold, traded or exchanged during a calendar year. The keeper of a hobby kennel may keep or maintain up to ten (10) dogs or cats, or both, of either sex per year and may raise or sell not more than fifteen (15) offspring of either dogs or cats, or both, during any calendar year without changing the status of the kennel. If the keeper of a hobby kennel sells, trades or transfers more than fifteen (15) offspring during any calendar year, he shall be subject to licensing as a commercial breeder. The keeper of a hobby kennel is to be limited by the zoning ordinances of the city when and if they apply.~~

HOUSING FACILITY: Any room, building or area used to contain a primary enclosure or enclosures.

KENNEL: An area of private property that is sheltered where dogs or cats are kept under constant restraint.

OUTDOOR FACILITIES:

- A. Shelter From Sunlight: When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs or cats and any other animal kept outdoors to protect themselves from the direct rays of the sun.
- B. Shelter From Rain Or Snow: Dogs, cats and other animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- C. Shelter From Cold Weather: Shelter may be provided for all dogs or cats and any animals kept outdoors when the atmospheric temperature falls below fifty degrees Fahrenheit (50°F). Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which the species is acclimated.
- D. Drainage: A suitable method shall be provided to rapidly eliminate excess water from the living area of the dog or cat or other animal.

PET SHOP: An establishment where any dog, cat or other animal or fowl, or other vertebrate animal is sold, exchanged or offered for sale to the general public.

PRIMARY ENCLOSURE: Any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.

RESEARCH FACILITY: Any school or college of medicine, veterinary medicine, pharmacy, dentistry or osteopathy, 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.

TRANQUILIZE: To temporarily sedate any animal for gaining control.

5-1A-2: LICENSES REQUIRED:

- A. Annual License: The owner of all dogs and cats, six (6) months old or older, shall annually obtain a license therefor as hereinafter provided.
- B. Application By Owner: The owner of a dog or cat, for which a license is required, shall on or before January 1 of each year apply to the city clerk for a license for each dog or cat owned by said owner. Such application or license may be made after January 1, and at any time, for a dog or cat which has come into the possession or ownership of the applicant, or which has reached the age of six (6) months after said date.
- C. Form Of Application: Subject application shall be in writing on blanks provided by the city clerk, and shall state the breed, sex, age, color, markings and name, if any, of the dog or cat, and the address of the owner and be signed by said owner. Such

application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.

D. License Fees:

1. The annual license fee shall be ~~ten~~five dollars (\$5.00) for each dog or cat that has been spayed or neutered, otherwise the annual license fee shall be twenty-five dollars (\$25.00) for each dog or cat. ~~After March 31 of each year, annual license fees shall double, if paid by March 31 or within ninety (90) days after the date on which any dog or cat that is not licensed first becomes subject to licensure under subsection B above. Any fee not paid by the due date shall increase to ten dollars (\$10.00) and fifty dollars (\$50.00), respectively.~~
2. Duplicate licenses shall be issued at a cost of five dollars (\$5.00).
3. The city license fee shall be waived for all dogs or cats if the owner of said dogs or cats has a valid license issued by the State of Iowa that allows the keeping of such animals.
4. The owner of all dogs or cats six (6) months old or older must comply with all the provisions of this article, including but not limited to the obtaining of rabies vaccination and license tag, even if the license fee has been waived. A written certificate from a licensed veterinarian shall be required to prove that a dog or cat is incapable of breeding and has been vaccinated for rabies.

E. Term Of License: All licenses shall expire on January 1 of the year following the date of issuance, and a license tag issued for one dog or cat shall not be transferable to another dog or cat.

F. Transfer Or Change Of Ownership: When the permanent ownership of a dog or cat is transferred, the license for the same may be transferred by the city clerk by the notation on the license record giving name and address of the new owner.

G. Implied Consent: The application for and the receipt of a license as required herein shall include an implied consent by the owner to permit an inspection of both real and personal property under his control for the purpose of carrying out the provisions of this article, including inspection for cruelty to animals or an inspection of sanitary conditions.

H. Delinquent Licenses: All license fees for dogs or cats become delinquent on April 1 in the year in which they are due and payable, and a penalty shall be added to each unpaid license on or after said date in the like amount of the annual license fee as hereinbefore set out in subsection D of this section.

5-1A-3: EXCEPTIONS TO LICENSE REQUIREMENTS:

The foregoing requirements for licenses for dogs or cats shall not apply to dogs or cats

that are under the control of the owners or handlers while in transit or to be exhibited or to nonresidents of the city if they are in the state for less than thirty (30) days or which are assigned to a research institution or like facility. The license fee shall be waived for all dogs or cats if the owner of said dogs or cats has a valid state license for said dogs or cats.

5-1A-4: RABIES VACCINATION REQUIRED:

- A. Required: Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in his possession six (6) months of age or over which has not been vaccinated against rabies.
- B. Type Of Vaccine: The rabies vaccination required by subsection A of this section shall be an injection of antirabies vaccine approved by the Iowa state department of agriculture, and the frequency of revaccination necessary for approved vaccination shall be as established by subject department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the Iowa state department of agriculture. Evidence of said rabies vaccination shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination does not expire within six (6) months from the effective date of the dog or cat license.

5-1A-5: LICENSE TAGS:

- A. Required: The city clerk shall, upon receipt of application, payment of license fee and proof of rabies vaccination, provide to the applicant a license which shall be in the form of a metal tag.
- B. Use Of License Tag: Said license tag shall be attached by the owner of a dog or cat to a substantial collar or harness and during the term of license shall be at all times kept on the dog or cat for which the license is issued. On the expiration of the license, the owner shall remove said tag from the dog or cat.

5-1A-6: PROHIBITED ACTS AND CONDITIONS:

- A. At Large: It shall be unlawful for the owner or caretaker of a dog or cat to permit or allow such dog or cat to be at large. Any dog or cat found at large shall be presumed to be so with the permission of its owner or caretaker, and proof of ownership and that said dog or cat was at large shall constitute in evidence a prima facie presumption in any proceeding charging any violation of this subsection. As to any dog at large under the circumstances described in section 5-1B-9, violation of this subsection shall constitute a misdemeanor and be punishable by a fine of not less than five hundred dollars (\$500.00), or constitute a municipal infraction. For purposes of determining the civil penalty applicable to subsequent municipal infraction offenses, any violation of this subsection that occurs after the first offense is a subsequent offense.

B. Dogs Or Cats Attacking, Causing Damage Or Injury:

1. It shall be unlawful for the owner or caretaker of a dog or cat to permit such dog or cat to attack persons or domestic animals or to destroy property, or to permit such dog or cat to place persons in reasonable fear of attack or injury. Proof of ownership of a dog or cat and that said dog or cat did attack persons or domestic animals, destroy property, or place persons in reasonable fear of attack or injury shall constitute in evidence a prima facie presumption of permission of the owner or caretaker in any proceeding charging violation of this subsection.
2. Animal control shall have discretion about whether to charge a violation of this subsection, depending on the particular circumstances and whether the animal constitutes a risk of attacking again, and in exercising such discretion animal control may be aided by the professional opinion of a veterinarian or trained animal behaviorist. If a decision is made to charge a violation concerning a dog, then animal control will classify the dog as potentially dangerous, dangerous or vicious pursuant to article B of this chapter and will provide written notice of same to the owner or caretaker.
3. The owner or caretaker of a dog that has attacked must produce the dog to animal control for rabies testing, at the cost of the owner or caretaker. If the dog is not produced, it may be seized and the owner or caretaker will be guilty of a municipal infraction.

C. Female Dogs Or Cats In Heat: The owner or caretaker of any female dog or cat in heat shall confine said female dog or cat in a building, or keep the same in his or her presence so that the said female dog or cat cannot come into contact with another animal except for planned breeding.

D. Feeding Feral Cats: It shall be unlawful for any person to feed any cat that is at large without a collar, license tag, or imbedded ownership chip, except for a person who does so as an authorized participant in a city-sponsored program to trap, neuter and release such cats.

E. ~~LittersPuppies~~: It shall be unlawful for any person who does not possess a commercial breeder license or permit issued by the State of Iowa or the federal government to keep, shelter, or harbor a female dog ~~or a female cat~~ with ~~its~~ litter that at any time exceeds two (2) ~~offspringpuppies~~, unless the person registers the litter with animal control within five (5) days of birth or acquisition and pays a registration fee of fifty dollars (\$50.00), ~~can produce proof that the puppies are registered with the American Kennel Club~~. Animal control may seize the entire litter ~~of puppies~~ and the mother that are in the possession of any person violating this paragraph, and the person shall be guilty of a municipal infraction.

5-1A-7: KENNEL PREMISES; NONCONFORMING USE:

Any premises declared by this article to be a kennel that is not located in a properly

zoned district under the provisions of the Waterloo zoning ordinance, is hereby declared to be a nonconforming use. Said use of a premises as a kennel shall not be enlarged, extended, reconstructed, substituted or structurally altered except when required by law, nor shall the number of dogs or cats over six (6) months of age be increased. Whenever a dog or cat, owned or kept on a premises declared by this article to be a kennel, dies or is sold or is given away, said dog or cat shall not be replaced until such time as the use of said premises is no longer a kennel and a nonconforming use as defined by this section. In addition, in the event that the use of a premises as a kennel is discontinued for a period of one year, use of the same shall conform thereafter to the uses permitted in the zoning district in which it is located.

5-1A-8: MUNICIPAL POUND:

- A. City May Establish: The city may establish and maintain a municipal animal pound or shelter to be conducted and operated by the city. It shall be the duty of the authorized persons appointed by the city to supervise and control such pound or shelter, to cause it to be kept in a sanitary condition and free from offensive odors, to provide adequate and wholesome food for animals impounded therein, to provide careful and humane treatment toward such animals, to isolate diseased animals, and to provide for humane destruction of animals when necessary.
- B. Contract For Care: In lieu of the establishment and maintenance of animal pounds, the city may contract with any incorporated society or association for the prevention of cruelty to animals for the collection and protection of licensed or unlicensed dogs, cats and other animals, for the maintenance of a shelter or pound for licensed or unlicensed dogs, cats or other animals, for the collection of dogs or cats, or other animals "at large" as herein defined, for the destruction or other disposition of seized dogs or cats, or other animals, not redeemed as provided by this article, for the disposal of dead animals, and to assist in the collection of licenses upon dogs and cats.

5-1A-9: IMPOUNDMENT OF ANIMALS; REDEMPTION:

- A. Apprehension And Impoundment: Any dog or cat found running at large, whether or not wearing a license tag and valid rabies vaccination tag, may be apprehended and impounded. If the owner does not redeem the dog or cat within five (5) days after the date of notice, or if an animal without identification is not redeemed within three (3) days after impoundment, the dog or cat may be humanely destroyed or, in appropriate circumstances as determined by animal control, may be disposed of by sale or by donation to a suitable animal shelter or rescue organization.
- B. Permanent Identification: Each dog apprehended after being found at large, and each dog confined pursuant to section 5-1-9(B), shall be assigned a registration number by animal control. ~~prior to being released to its owner or caretaker. If a registration number has not previously been, which shall be~~ affixed to the dog by permanent microchip implant, tattoo or some other permanent means, ~~then before the dog is released to its owner or caretaker the registration number shall be so~~

| affixed by a licensed veterinarian or other person acceptable to the city, at the expense of the owner or caretaker. If multiple forms of identification are available, the owner or caretaker may select the type to be used. No person shall remove or alter such identification once it is affixed.

| C. Spay/Neuter: An owner or caretaker of a dog or cat apprehended after being found at large must have the animal spayed or neutered within thirty (30) days after redemption and provide documentary proof of same to animal control within ten (10) days after the procedure. If the owner or caretaker fails to spay or neuter the animal~~dog~~, then animal control may seize it and, in appropriate circumstances as determined by animal control, the animal ~~dog~~ may be destroyed or disposed of by sale or by donation to a suitable animal shelter or rescue organization.

D. Redemption Of Animal: Unless the animal is to be destroyed by order of animal control, or unless the animal is being tested for rabies or other communicable diseases, any dog or cat that was impounded may be redeemed by the owner or caretaker thereof upon payment of all fees and charges as set forth in section 5-1-1(E) within the applicable time allowed by this chapter or by order of animal control or the city council.

5-1A-10: VIOLATION; PENALTY:

Unless any section of this article prescribes a different penalty, any person violating any provision of this article shall be deemed guilty of a municipal infraction. The court may grant any other appropriate alternative relief.

ARTICLE B

5-1B-1: DEFINITIONS:

As used in this article, unless the context indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section. In addition, the words and phrases defined in sections 5-1-14 and 5-1A-1 shall apply to the provisions of this article, to the extent applicable.

DANGEROUS ANIMAL:

- A. 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.
- B. Any animal declared to be dangerous by the city council or an animal control officer.
- C. The following animals or species of animals shall be deemed dangerous per se:

1. All felids, except *Felis domestica* (domestic cats).
2. All ursids (bears).
3. All canids, except *Canis familiaris* (dogs).
4. All nonhuman primates.
5. All crocodilians.
6. All venomous and constricting snakes.
7. All venomous reptiles.
8. All venomous arachnids.
9. All mustelids, except domestic ferrets.

D. In addition to the exceptions stated in subsection C of this definition, the following animals shall not be considered dangerous animals, but nonetheless may be subject to applicable zoning requirements:

1. Animals kept for farming purposes, including, but not limited to, cattle, bison, pigs, horses, poultry, ostriches, emus, goats, sheep, antelope, llamas, and alpacas.
2. Constricting snakes whose adult length is less than six feet (6'), and specifically limited to corn snakes, king snakes, garter snakes, ribbon snakes, rat snakes, milk snakes, rosy boas, and ball pythons.
3. Hamsters, gerbils, guinea pigs, domestic rabbits, and domestic rats.

DANGEROUS DOG:

A. Any dog which bites or attacks a person or other domestic animal without provocation and causes injury not severe enough to result in a broken bone or a laceration requiring multiple sutures, or any dog that according to available records has committed such acts.

B. Notwithstanding the foregoing paragraphs of this definition, a dog shall not be deemed a dangerous dog in the following circumstances:

1. Where the dog is used by a law enforcement official for approved law enforcement purposes.
2. Where the threat or injury was sustained by a person who was committing a willful trespass upon the premises lawfully occupied by the owner or caretaker of the dog, and the dog was properly confined or tethered as required by this chapter.
3. Where the threat or injury was sustained by a person who was committing or attempting to commit a crime on the property of the owner or caretaker of the dog, or by a person who was attacking the owner or caretaker of the dog.
4. Where the threat or injury was sustained by a person due to the person torturing, tormenting, abusing, or assaulting the dog, or intentionally inflicting pain on the dog without lawful justification, or by a person in the process of treating or rendering aid to a previously injured animal.
5. Where the dog was protecting itself or its young.
6. Where the threat or injury was sustained by a domestic animal that was at large and entered a confined area of the dog.

GUARD DOG: 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.

POTENTIALLY DANGEROUS DOG:

~~A. — Any dog with a tendency or disposition to bite or attack unprovoked, or to otherwise endanger the safety of humans or other domestic animals, or~~

~~B. — Any dog that chases or approaches a person or other domestic animal without provocation while off its owner's or caretaker's property in a menacing fashioning or apparent attitude of attack, if the owner of such dog is convicted or pleads guilty, no contest, or the equivalent to a violation of 5-1A-6(B) based on fear of attack or injury.~~

~~C. — Any dog found at large more than twice, or any dog found at large if the owner or caretaker thereof has been cited by animal control for any reason three (3) or more times within any twelve (12) month period.~~

REGULATED DOG: Any dog that is a potentially dangerous dog, dangerous dog, or vicious dog as defined by this article.

VICIOUS DOG:

- A. Any dog which bites or attacks a person or other domestic animal without provocation and causes injury that results in one or more broken bones or a laceration requiring multiple sutures, or any dog that according to available records has committed such acts.
- B. Any dog that kills a person or other domestic animal without provocation while off the property of its owner or caretaker.
- C. Notwithstanding the foregoing paragraphs of this definition, a dog shall not be deemed a vicious dog under the same circumstances in which a dog would not be deemed a dangerous dog as set forth under the definition of a dangerous dog.

5-1B-2: KEEPING OF DANGEROUS ANIMALS PROHIBITED; EXCEPTIONS:

- A. No person shall keep, shelter, or harbor as a pet, guard, or for other purpose, within the city, a "dangerous animal" as defined in this article, except as provided in subsection B of this section or in section 5-1B-3.
- B. The prohibition contained in subsection A of this section shall not apply to the secure keeping of dangerous animals in the following circumstances:
 - 1. In a bona fide, licensed veterinary hospital for treatment.

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2. Under the jurisdiction of and in the possession of the natural resources commission, pursuant to Iowa Code chapters 481A and 481B.
3. At the Cedar Bend Humane Society.
4. In a public zoo, bona fide educational or medical institute or museum where they are kept as live specimens for public viewing or for purposes of research, study or instruction.
5. For purposes of bona fide religious practice or ritual.
6. For exhibition to the public by a traveling circus, carnival, exhibit or show that is duly licensed by the city.

5-1B-3: REGULATIONS ON KEEPING DANGEROUS ANIMALS:

- A. Report Required; Information: Every person owning, keeping, sheltering or harboring a dangerous animal pursuant to subsection 5-1B-2(B) shall report such fact, in writing, to the animal control officer, together with the following information:
1. The species name of each animal;
 2. The number of such animals of each such species kept on the premises;
 3. A physical description of each such animal, including any pet names to which it might respond;
 4. The location of such animal or animals within the city, including the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;
 5. In the case of poisonous dangerous animals, the location of the nearest source of antivenom for that species; and
 6. The specific purpose for which the animal is kept and any use that will be made of the animal.
- B. Confinement Required: Every person keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or enclosure.
- C. Poisonous Animals; Antivenom Kept: Every person owning, keeping, or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of antivenom on hand and current at all times.
- D. Transporting Dangerous Animals: No person owning, keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right of way or other property of another, except when such animal is being transported while caged or confined.
- E. Escape: It shall be the responsibility of the owner or caretaker to notify animal control immediately in the event that a dangerous animal has escaped and is at large.
- F. At Large: 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 or caretaker, 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 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 or caretaker of such animal prior to its destruction.

- G. Order To Remove: In the event the animal control officer determines that a dangerous animal is being kept, sheltered or harbored by any person or entity in violation of the provisions of this article, the animal control officer may, in his or her discretion, have such person or entity prosecuted for such violation, and he or she may order such individual or entity to remove such dangerous animal from the city or destroy it. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing, directed to such person or entity.
- H. Appeal Procedure; Compliance With Order: Any person or entity desiring to appeal an order issued by the animal control officer pursuant to subsection G of this section shall follow the appeal procedures of section 5-1-12. If the city council affirms the action of the animal control officer, the provisions of section 5-1B-12 shall apply.

5-1B-4: PROHIBITIONS ON POSSESSION OF ANIMALS:

- A. Persons Convicted Under State Law On Animal Contest Events: Any person who has been convicted of, or has pled guilty, no contest, or the equivalent to, of an offense under Iowa Code 717D.2 shall be prohibited from owning, keeping, sheltering, or harboring within the city limits any animal of the same type (e.g., dog, rooster, etc.) involved in or at issue in such offense. Violation of this subsection shall constitute a misdemeanor and be punishable by a fine of not less than five hundred dollars (\$500.00), or constitute a municipal infraction.
- B. Violation Registry: Animal control shall keep a registry of names and addresses of individuals with convictions for violating Iowa Code 717D.2 and sections 5-1B-5 or 5-1B-7 of this article. Any individual on this registry is subject to the restrictions on ownership found in this article, regardless of whether the individual changes addresses or moves to a different residence. An individual will be in violation hereof if the prohibited animal is found in their residence regardless of any claim that the animal belongs to someone else occupying the residence.
- C. Notice Of Violation; Confinement: In the event an animal control officer determines that an animal is being kept, sheltered or harbored by any person or entity in violation of the provisions of this section or section 5-1B-10, which determination may be based on direct observation or on a preponderance of credible evidence (such as photographs, witness affidavits, or other physical evidence), the animal control officer shall have such person or entity prosecuted for such violation and shall take the animal into custody at the expense of the owner or caretaker at a city impoundment facility, with a veterinarian or at a kennel until such time as the owner or caretaker agrees in writing to remove or destroy the animal or the city council has ruled on an appeal of the violation finding. After making a finding that an animal is

being kept, sheltered, or harbored in violation of this article, animal control shall issue a written notice of violation, directed to such person or entity.

- D. **Appeal Procedure; Compliance With Order:** Any individual or entity desiring to appeal an order issued by the animal control officer pursuant to subsection D of this section shall follow the appeal procedures of section 5-1-12. The appeal cannot be filed until all costs incurred to date in caring and providing for the animal, as set forth in section 5-1-1(E), are paid and a bond is posted with the city clerk. If the city council affirms the action of the animal control officer, the provisions of section 5-1B-12 shall apply.

5-1B-5: REGULATED DOGS:

- A. **Applicability:** The provisions of this section apply to adult dogs only, which shall mean any dog over the age of six (6) months.
- B. **Keeping Prohibited:** No person shall keep, shelter or harbor as a pet, within the city, a regulated dog as defined in section 5-1B-1 of this article, except as expressly permitted by this article.
- C. **Regulated Dogs At Large:** In the event that a dangerous dog or a vicious 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 or caretaker, thereby creating a hazard to life or property, such dog may, in the discretion of the animal control officer, be destroyed if it cannot be captured and confined. The city shall be under no duty to attempt the confinement or capture of a dangerous dog or vicious dog found at large, nor shall it have a duty to notify the owner of such dog prior to its destruction.
- D. **Notice Of Violation; Confinement:** If the animal control officer determines that a regulated dog is being kept, sheltered or harbored by any person or entity in violation of the provisions of this article, which determination may be based on direct observation or on a preponderance of credible evidence (such as photographs, witness affidavits, or other physical evidence) that the dog qualifies as a regulated dog as defined by this article, the animal control officer may, in his or her discretion, have such person or entity prosecuted for such violation. After making a finding that the dog is a regulated dog, animal control shall issue a written notice of violation, directed to such person or entity. At the time such notice is issued, the dog shall be taken into the custody of animal control and confined at the expense of the owner or caretaker at the city impoundment facility, with a veterinarian or at a kennel. Within seven (7) days after delivery of the notice of violation or, if appealed, within seven (7) days after the city council has ruled on the regulated dog finding, the owner or caretaker may redeem the dog or, if it is a potentially dangerous dog, agree in writing to permanently remove the dog from the city. The owner or caretaker of any regulated dog that is redeemed must comply with the provisions of section 5-1B-7. If the owner or caretaker fails to take all steps necessary to timely perfect an appeal or fails to timely satisfy the requirements for removal or redemption, the dog may be

destroyed in a humane manner, and the fees and charges of impoundment, as set forth in section 5-1-1(E), and with destruction of the dog shall be charged against the owner or caretaker.

- E. Appeal Procedure; Compliance With Order: Any person or entity desiring to appeal an order issued by the animal control officer pursuant to subsection D of this section shall follow the appeal procedures of section 5-1-12. The appeal cannot be filed until all costs incurred to date in caring and providing for the dog, as set forth in section 5-1-1(E), are paid and a bond is posted with the city clerk. If the city council affirms the action of the animal control officer, the provisions of section 5-1B-12 shall apply.
- F. Permanent Identification Required: A dog found to be a potentially dangerous dog, dangerous dog or vicious dog by an animal control officer, regardless of the outcome of any appeal, shall be assigned a registration number by animal control prior to the dog being released to its owner or caretaker, which shall be affixed to the dog by permanent microchip implant, tattoo or some other permanent means by a licensed veterinarian or other person acceptable to the city, at the expense of the owner or caretaker. If multiple forms of identification are available, the owner or caretaker may select the type to be used. No person shall remove or alter such identification once it is affixed.
- G. Destruction Of Dangerous Dogs Not Permanently Removed or Destroyed: If a regulated dog is required to be removed from the city under this section and the dog is subsequently found within city limits following the date the owner or caretaker agreed to removal, the failure to permanently remove will constitute a separate and independent violation of this section. In addition, if such dog is a dangerous dog or vicious dog it may be destroyed by the city without further action or possibility of appeal, and the costs of such destruction will be charged against the party prosecuted for the offense.
- H. Dog Found Potentially Dangerous, Dangerous or Vicious By Another Jurisdiction: A dog found within city limits which has previously been determined to be potentially dangerous, dangerous, vicious or a threat to the health or safety of humans or other domestic animals by court order or by any other city, county or state whose laws or regulations are substantially similar to those of this chapter shall automatically be deemed to be a potentially dangerous, dangerous or vicious dog, as appropriate, pursuant to this article, and the person or entity keeping, sheltering, or harboring it shall be issued a notice of violation pursuant to subsection D of this section. Any such dog will be impounded. Within seven (7) days after delivery of the notice of violation or, if appealed, within seven (7) days after the city council has ruled on the regulated dog finding, the owner or caretaker may agree in writing to permanently remove the dog from the city if it is potentially dangerous. If the owner or caretaker fails to take all steps necessary to timely perfect an appeal or fails to timely satisfy the requirements for removal, or if the dog is dangerous or vicious, the dog may be destroyed in a humane manner, and the fees and charges of impoundment, as set

forth in section 5-1-1(E), and with destruction of the dog shall be charged against the owner or caretaker.

5-1B-6: GUARD DOGS:

The prohibition contained in this article shall not apply to keeping of guard dogs; provided, however, that 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 dog or vicious dog pursuant to the provisions of this article. A limit of one (1) guard dog is permitted for each residential premises and two (2) guard dogs for each non-residential premises. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog" or words of similar import, and the owner or caretaker of such premises shall inform animal control and the police department, in writing, that a guard dog is on duty at the premises. It shall be the owner's or caretaker's responsibility to notify animal control immediately when a guard dog has escaped and is running at large. The provisions of subsections A through F, H and I of section 5-1B-7 shall apply to the registration of guard dogs.

5-1B-7: REGISTRATION OF REGULATED DOGS:

A. Registration Requirement; Penalty For Failure To Register: If animal control determines that a dog may be classified as a regulated dog, the dog cannot be owned, sheltered, housed, harbored, kept, or maintained within the city limits of Waterloo unless the owner or possessor completes a registration with animal control and receives a registration certificate authorizing ownership or possession of the dog. Animal control shall notify the owner or possessor in writing that the dog is either potentially dangerous, dangerous, or vicious. Within seven (7) days following the date that animal control delivers notice to the owner or caretaker that the dog is regulated, the owner or caretaker of the dog must obtain the registration certificate or file an appeal of such determination pursuant to subsection O. Any person found to own, shelter, house, harbor, keep, or maintain a regulated dog who has failed to register said dog or failed to file a timely appeal will be subject to an administrative penalty in the amount of fifty dollars (\$50.00) and/or a municipal infraction violation punishable by a civil penalty of two hundred dollars (\$200.00). In addition, the registration fee will be increased to one hundred dollars (\$100.00) and animal control will impound the animal. The owner or caretaker may register the dog within seven (7) days following impoundment and obtain release of the dog if the required registration fee, administrative penalty, and all fees and charges of impoundment, as set forth in section 5-1-1(E), are paid. If the owner or possessor does not timely complete the registration process or file an appeal, the dog may be destroyed in a humane manner and all fees and charges associated with impoundment, as set forth in section 5-1-1(E), and destruction of the dog shall be charged against the owner or caretaker. Registration under this section is in addition to any licensing requirements set forth in article A of this chapter.

- B. Registration Form: An owner or caretaker of a dog determined to be potentially dangerous, dangerous or vicious by animal control must execute a registration form with animal control which includes the following information:
1. Name, address, and telephone number of the owner or caretaker, including proof that the owner or caretaker is over the age of eighteen (18) years;
 2. Name and detailed physical description of the regulated dog
 3. A photograph of the dog taken by animal control
 4. Registration number assigned by animal control to the dog;
 5. Veterinarian information for the dog;
 6. Proof of a current rabies vaccination number and expiration date (a copy of which must be retained by animal control);
 7. City license number (a copy of which must be retained by animal control);
 8. Microchip or tattoo number as provided by subsection D of this section;
 9. Detailed description of the incident or incidents leading animal control to classify the dog as regulated; and
 10. Sufficient proof that the applicant has proper facilities where the animal can safely be kept to prevent it from getting loose ("proper facilities" means secure confinement indoors or secure outdoor confinement in a locked pen or structure at least 6 feet in width, 12 feet in length, and 6 feet in height, which is capped and has solid flooring to prevent the dog from digging out).
- C. Registration Fee And Proof Of Insurance: In addition to completion of the registration form, an owner or caretaker of a regulated dog must pay a registration fee of fifty dollars (\$50.00) to register the dog with animal control and provide proof of liability insurance to animal control totaling a minimum of three hundred thousand dollars (\$300,000.00) which will provide coverage for injuries, damages or loss that may be caused by the animal. Failure to pay the registration fee or to provide proof of insurance will result in denial of registration.
- D. Permanent Identification: The registration number assigned by animal control under this section shall be affixed to the regulated dog by permanent microchip implant or tattoo by a licensed veterinarian or other person acceptable to the city, at the applicant's expense. No person shall remove or alter such identification once it is affixed.
- E. Issuance Of Registration Certificate: If all requirements of this section are met, the applicant will be issued a registration certificate entitling them to own, maintain, possess, or shelter the regulated dog within city limits.
- F. Prohibition On Registration For Owners With Prior Convictions: An applicant who has previously been convicted of , or has pled guilty, no contest, or the equivalent to, an offense under Iowa Code 717D.2, who has been convicted of a violation of section 5-1B-5 of this article, or who has pled guilty, no contest, or the equivalent with respect to any such offense or violation, shall not be permitted to register a dog under this section.

- G. Exception For Veterinarians And Shelters: The provisions of this section will not apply to any licensed veterinarian or animal shelter providing services in such capacity.
- H. Renewal Of Registration: A registration certificate issued pursuant to this section must be renewed annually. The owner or caretaker of the regulated dog may renew the certificate for an additional twelve (12) months following expiration of the current registration certificate, provided that he or she pays the registration fee of fifty dollars (\$50.00), provides proof of current insurance, and updates any registration information previously provided.
- I. Additional Notification Responsibilities:
1. An owner or caretaker of a dog registered as potentially dangerous, dangerous or vicious must contact animal control immediately if the dog is loose or not confined, has attacked another domestic animal, or has attacked a human being.
 2. An owner or caretaker of a dog registered as potentially dangerous, dangerous or vicious must contact animal control within forty-eight (48) hours of the dog's death. Documentation from a veterinarian or physical proof that the dog is deceased will need to be provided to animal control.
 3. An owner or caretaker of a dog registered as potentially dangerous, dangerous or vicious must contact animal control within forty-eight (48) hours if the dog has been sold, relocated or given away and shall provide animal control with the name, address, and telephone number of the new owner or caretaker of the dog.
- J. Spay/Neuter: An owner or caretaker of a dog registered as potentially dangerous, dangerous or vicious must have the animal spayed or neutered within thirty (30) days of issuance of the registration certificate and provide documentary proof of same to animal control within ten (10) days of the procedure. If the owner or caretaker fails to spay or neuter the dog, then animal control may seize it, and, in appropriate circumstances as determined by animal control, the dog may be destroyed or disposed of by sale or by donation to a suitable animal shelter or rescue organization.
- ~~K. Obedience Training: Within ninety (90) days following the initial registration of a potentially dangerous dog, the dog and its owner or caretaker must complete an approved course of obedience training and provide proof of completion to animal control.~~
- ~~K.~~ Conditional Removal Of Registration Requirement: If, within three (3) years of registration as a potentially dangerous dog, there have been no further incidents that satisfy the standards for such dog to be deemed potentially dangerous, the dog's registration requirement may be reviewed by animal control upon the owner's request. If animal control chooses to lift the registration requirement, the dog in question may still be declared potentially dangerous, dangerous or vicious at any

future date if it meets the standards for classification as such. In the event that animal control chooses to maintain the registration requirement for the dog, such decision shall be appealable to the city council.

| ~~ML~~. Automatic Enhancement of Regulated Status: After registration as a potentially dangerous dog, if a dog is found to have further demonstrated the behavior of a potentially dangerous dog at least two (2) times within any consecutive twelve (12) month period, such dog will automatically be deemed a dangerous dog and be subject to section 5-1B-5 of this article. If a dog has been registered as a potentially dangerous dog or a dangerous dog and at any time thereafter kills or causes serious injury to a person or domestic animal ("serious injury" meaning any injury resulting in broken bones or lacerations requiring multiple sutures) and no exception is applicable, said dog will automatically be deemed a vicious dog subject to section 5-1B-5 of this article.

| ~~MM~~. Appeal Procedure; Compliance With Order: Any person or entity desiring to appeal a notice or order issued by the animal control officer pursuant to this section shall follow the appeal procedures of section 5-1-12. If the city council affirms the notice or order, the owner must complete the registration process pursuant to this section within seven (7) days of the city council's finding. Failure to do so will subject the owner or caretaker to the provisions set forth in subsection A of this section and in section 5-1B-12.

5-1B-8: TETHERING OF DOGS:

A. A dog may be restrained outdoors by tether, only on the property of the owner or caretaker of the dog, and only under the following conditions:

1. No tether may be attached to a fixed object unless the tether is so placed or attached that it cannot become entangled with another animal or object, and cannot extend over an object or edge that could result in strangulation of or injury to the animal, and shall be of sufficient length in proportion to the size of the animal, but no less than 10 feet in length, to allow the animal proper exercise and unlimited access to adequate feed, adequate water, and an outdoor facility that provides adequate protection from the elements. Such tethering shall be so located so as not to allow such animal to trespass on public property or upon private property belonging to others, nor in such manner as to cause harm or danger to persons, the tethered animal, or other animals.

2. The tether shall not weigh more than one-eighth of the animal's body weight. Chains may not be used as tethers.

3. The tether must be attached to a properly fitting collar or harness worn by the animal. Choke or prong collars are prohibited. The tether must have a swivel at both ends.

4. No animal may be restrained by tether for more than 8 hours in a 24-hour period. When the temperature falls below 30 degrees Fahrenheit, with wind chill factor applied, or when the heat index is at least 85 degrees, no animal may be restrained outdoors by tethering for more than 15 minutes without access to adequate feed, adequate water, and an outdoor facility that provides adequate protection from the elements. In any circumstances, a tethered animal must have access to an outdoor facility that provides adequate protection from the elements.

5-1B-9: DOG ATTACKS:

In the event of an attack on a person or a domestic animal by a dog at large that was previously determined to be a vicious dog or that is determined to be a vicious dog as a result of such attack, the dog shall be apprehended by animal control. The dog will be tested for rabies and may be destroyed by the city without further action or possibility of appeal. The owner or caretaker will be charged all fees and charges incurred as set forth in section 5-1-1(E) and all costs incident to destruction of the dog.

5-1B-10: IRRESPONSIBLE DOG OWNERS:

- A. Any person who has been convicted of any violation of this article, or who has pled guilty, no contest, or the equivalent to such violation, at least two (2) times in any period of twelve (12) months shall be deemed an irresponsible dog owner and shall be prohibited from obtaining a license for any dog not already licensed by such person, and if such person is so convicted or so pleads a third time during a 12-month period, the person shall forfeit all right to own or possess a dog in the city, at which time animal control shall be authorized to seize all dogs owned or possessed by such person and to dispose of the dogs by destruction or, in appropriate circumstances as determined by animal control, by sale or by donation to a suitable animal shelter or rescue organization. Violation of this subsection shall constitute a misdemeanor and be punishable by a fine of not less than five hundred dollars (\$500.00), or constitute a municipal infraction.
- B. A person designated as an irresponsible dog owner who is not convicted or does not plead to a further violation of this article for a period of thirty-six (36) months may apply to animal control to have the designation removed. The decision of animal control is appealable to the city council according to the appeal procedures set forth in section 5-1-12.

5-1B-11: LANDLORD LIABILITY:

- A. A landlord or its property manager that knowingly permits a tenant or occupant of its property to possess a dog in violation of sections 5-1B-4, 5-1B-5 or 5-1B-10 shall be guilty of a municipal infraction.
- B. A landlord or its property manager shall not be guilty of a violation of subsection A if it takes prompt action to notify the tenant or occupant that the dog must be permanently removed from the property within seven (7) days of notice as set forth

in Iowa Code section 562A.27, and thereafter proceeds to terminate the lease and evict the tenant or occupant if the violation is not remedied.

- C. Whenever animal control or the city clerk issues a notice, order or decision in connection with a violation of sections 5-1B-4, 5-1B-5 or 5-1B-10 to a person who is not the owner of the property, a copy of said notice, order or decision shall also be sent to the property owner at the tax statement address shown in the records of the county auditor. The failure of animal control or the city clerk to issue a copy of any notice, order or decision to the property owner, or the failure of the property owner to receive same, shall not be a defense to any violation of subsection A.

5-1B-12: ENFORCEMENT:

A. Failure To Comply:

1. Except as set forth in section 5-1B-7(A), if the city council affirms a notice or order of the animal control officer, the city council may also order in its written decision that the person or entity owning, sheltering, harboring or keeping such dangerous animal or regulated dog permanently remove such animal or dog from the city or destroy it; provided that dangerous dogs and vicious dogs must be destroyed and may not be removed. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the initial notice or order.
2. In any situation where permanent removal of an animal or dog from the city is permitted, the animal or dog will not be released to the owner or caretaker until the owner or caretaker executes a form provided by the city which includes the following: (a) identifying information for the animal or dog, (b) the location to which it will be removed, and (c) the date of removal. The owner must also pay all fees and charges of impoundment, as set forth in section 5-1-1(E), before the dog will be released and the bond, if any, lifted. If within seven (7) days after issuance of the order the owner or caretaker fails to complete the application for removal and pay such fees and charges, fails to petition the district court for review of the order, or otherwise fails to take action, then animal control shall cause the animal or dog to be destroyed in a humane manner.
3. If instead of removal the animal or dog is ordered destroyed by the city council and the owner fails to file a petition for review of the order with the district court within seven (7) days after its issuance, the animal or dog will be destroyed in a humane manner.
4. As an alternative to the destruction of an animal or dog it may, in appropriate circumstances as determined by animal control, be disposed of by sale or by donation to a suitable animal shelter or rescue organization.

B. Penalties:

1. Unless a different penalty is specifically prescribed by any section of this article, in which case such penalty shall apply, the failure to comply with an order of the city council issued pursuant to this article shall constitute a misdemeanor and be punishable by a fine of not less than two hundred fifty dollars (\$250.00), or constitute a municipal infraction.

2. For purposes of determining the civil penalty applicable to subsequent municipal infraction offenses, any violation of this article that occurs after the first offense is a subsequent offense, even if the violations are of different provisions of this article.