

# ORDINANCE 237

## AN ORDINANCE AMENDING TITLE IV MENTAL AND PHYSICAL HEALTH CHAPTER 1 ANIMAL CONTROL

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### Section 1

4-1-1 PURPOSE: The purpose of this ordinance is to protect human beings, livestock, and domesticated animals from the perils of dangerous and vicious animals within the confines of the City of Norway, Iowa and to protect animals from the dangers of abuse, cruelty and neglect.

4-1-2 DEFINITIONS: The following terms are defined for use in the chapters of the Code of Ordinances pertaining to Animal Protection and Control.

1. "Animal" means any non human vertebrate.
2. "At Large" means any dog, cat, or other pet found off the premises of the owner, or upon the public streets, alleys, public grounds, school grounds or parks with the city, and not under the control of a competent person, restrained within a motor vehicle, on a leash or "at heel" beside a competent person and obedient to that person's command, or housed in a veterinary hospital or kennel. The term shall also mean any animal inadequately restrained on the premises of the owner so as to allow the animal to go beyond the owner's real property lines.
3. The term "owner" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog, cat, or other animal. (Code of Iowa, Sec. 351.2)
4. "Dangerous Animal" means (a) any animal which is not naturally tame or gentle and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; and (b) any animal which shall be deemed to be dangerous by the County Board of Health; and (c) the following animals, which shall be deemed to be dangerous animals per se:
  - A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
  - B. Wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes and jackals;
  - C. Badgers, wolverines, weasels, skunks and minks;
  - D. Raccoons;
  - E. Bears
  - F. Monkeys, chimpanzees, and apes;

- G. Bats;
- H. Alligators and crocodiles;
- I. Scorpions;
- J. Snakes that are venomous, or constrictors;
- K. Gila monsters;
- L. An dog which has the appearances and characteristics of being of the breed of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire, any other breed commonly know as pit bulls or pit bull terriers, or a combination of any of these breeds.
- M. Any animals declared to be dangerous by the City Council.

5. "Vicious Animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrences; or (d) has attacked any domestic animal or fowl on two separate occasions within a 12-month period.

4-1-3 **CRUELTY TO ANIMALS:** No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animals by any means which causes unjustified pain, distress, or suffering, whether intentionally or negligently. (Code of Iowa, Sec. 717.2)

4-1-4 **ABANDONMENT:** A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound. (Code of Iowa, Sec 717.4)

4-1-4 **EXHIBITIONS AND FIGHTS:** No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators. (Code of Iowa, Sec 717.3)

4-1-5 **INJURIES TO ANIMALS:** No person, having no right to do so, shall maliciously kill, maim, or Disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal. (Code of Iowa, Sec. 717.1)

4-1-6 **AT LARGE PROHIBITED:** It shall be unlawful for the owner of an animal to allow an animal to run at large within the City of Norway.

4-1-7 **DAMAGE OR INTERFERENCE:** It shall be unlawful for the owner of an animal to allow or Permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

4-1-8 **IMMUNIZATION REQUIRED:** It shall be unlawful for any person to own or have a dog or cat in their person's possession, six (6) months of age or over, which has not been vaccinated against rabies. (Code of Iowa, Sec. 351.33)

4-1-9 **BOTHERSOME ANIMALS:** No person shall keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine, fowl, and sheep which tend to disrupt the peace and good order of the community.

4-1-10 **ACTIONS OF ANIMALS CONSTITUTING A NUISANCE:** It shall be unlawful for any person to permit an animal under such persons custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles, or defecates on private property other than the owners or on a public walk and recreation area unless such waste is immediately removed and properly disposed of by the owner of such animal.
2. Causes unsanitary, dangerous, or offensive condition.
3. Causes a disturbance by excessive or frequent barking or other noise making or chases vehicles, or molests, attacks, or interfere with persons or other domestic animals on public property. (Code of Iowa, 657.1)

4-1-11 **OWNER'S DUTY:** It shall be the duty of the owner of any dog, cat, or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies. (Code of Iowa, Sec. 351.38)

4-1-12 **CONFINEMENT:** When the County Health Officer receives information that any person has been bitten by any animal or that a dog or cat, or any animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. (Code of Iowa, Sec. 351.39)

4-1-13 **AT LARGE: IMPOUNDMENT:** Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

4-1-14 **DISPOSITION OF ANIMALS:** When an animal has been apprehended and impounded, written notice shall be given within two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog or cat, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law. (Code of Iowa, Sec. 351.37, 351.41)

4-1-15 **IMPOUNDING COSTS:** Impounding costs shall be as established by resolution of the Board of Supervisors. (Code of Iowa, Sec. 351.37)

4-1-16 **KEEPING OF DANGEROUS ANIMALS PROHIBITED:** No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City of Norway except in the following circumstances:

1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit show, or zoo.
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 Department of Natural Resources, pursuant to Chapter 481A and 481B of the Code of Iowa.

4-1-17 **KEEPING OF VICIOUS ANIMALS PROHIBITED:** No person shall keep, shelter, or harbor for any reason within the City of Norway a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious dog," or words of similar import, and the owner of such premises shall inform the County Sheriff that a guard dog s on duty at said premises.

**4-1-18 SEIZURE, IMPOUNDMENT, AND DISPOSITON OF DANGEROUS OR VICIOUS ANIMAL:**

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than it's owner, thereby creating a hazard to person or property, such animal may, at the discretion of the Mayor or Sheriff's Department, be destroyed if it cannot be safely confined or captured. The City of Norway shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal or vicious animal on the premises in the City of Norway, and in a manner contrary to the provisions of this ordinance, the Mayor or Sheriff's Department shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal or vicious animal in the City of Norway, the officer shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal, within three days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
3. The order to remove a dangerous or vicious animal issued by the officer may be appealed to the City of Norway. In order to appeal such order, written notice of appeal must be filed with the city clerk within two days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

**4-1-19 PENALTIES:** A violation of any provision of this ordinance shall constitute a municipal infraction.

**4-1-20 LIABILITY:** Nothing in this ordinance absolves the keeper of an animal that inflicts injury to a person or property from financial responsibility for the animal's actions.

Section 2. **REPEALER:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. **SEVERABILITY CLAUSE:** If any section, provision or parts of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE: This ordinance shall be in full force and effect from and after the 14th day of December, 2005.

Passed by the City Council of Norway, Iowa, on the 5th day of December, 2005.