

ORDINANCE NO. 221

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF  
THE CITY OF WALFORD, IOWA, BY REPLACING PROVISIONS  
PERTAINING TO ANIMAL PROTECTION AND CONTROL

Be it enacted by the City Council of the City of Walford, Iowa:

SECTION 1. CHAPTER REPLACED. Chapter 55, Animal Protection and Control of the Code of Ordinances, City of Walford, Iowa, is hereby repealed, and the following adopted in lieu thereof:

**55.01 DEFINITION OF TERMS.** As used in this chapter, unless the context indicates otherwise:

1. "Animal" means a nonhuman vertebrate.
2. "At heel" means, with reference to dogs, except female dogs in heat, within three (3) feet of a person subject to that person's strict obedient command and control.
3. "At large" means off the owner's real property, including, by way of illustration but not limited to, on the public streets, alleys, public grounds, school grounds, parks, and real property of others. An animal is not at large if:
  - A. The animal is on a leash, cord, chain, or similar restraint not more than six (6) feet in length and is under the control of the person, or
  - B. The animal is within a motor vehicle, or
  - C. The animal is housed in a veterinary hospital, licensed kennel, pet shop, animal shelter, or police vehicle, or
  - D. The animal is accompanied by and at heel beside the owner or a competent, responsible person.
4. "Confined" means securely confined in a dwelling house or an enclosed locked building, enclosed fence, pen, or other structure having a height of at least six (6) feet with locked gates and with secure sides and at all points embedded into the ground, or, if such enclosed fence is less than six (6) feet in height, having a secure and complete top securely fastened to the sides.
5. A "dangerous animal" is:

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;

B. Any animal declared to be dangerous by the Council or its designee; and

C. The following animals, which are deemed to be dangerous animals per se:

- (1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
- (2) Wolves, coyotes, and foxes;
- (3) Badgers, wolverines, weasels, skunk, and mink;
- (4) Raccoons;
- (5) Bears;
- (6) Monkeys and chimpanzees;
- (7) Bats;
- (8) Alligators and crocodiles;
- (9) Scorpions;
- (10) Snakes that are venomous, or constrictors;
- (11) Gila monsters;
- (12) Any dog or other animal which has a known propensity, tendency, or disposition to attack human beings or domestic animals without provocation, as to cause injury to or to otherwise endanger their safety; or any dog or other animal that manifests a disposition to snap or bite. This includes the following:
  - (a) Any dog or other animal which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the dog or other animal.
  - (b) Any dog or other animal which, when unprovoked, inflicts bodily injury upon a person.
  - (c) Any dog or other animal which, when unprovoked, on two separate occasions, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

6. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus, or poultry.

7. "Owner" means any person owning, keeping, sheltering, or harboring an animal.

8. "Veterinary hospital" means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.

9. "Vicious animal" means any animal, except for a dangerous animal, that:

A. Has bitten or clawed a person or persons in an aggressive manner while running at large and the attack was unprovoked,

B. Has bitten or clawed a person or persons in an aggressive manner on two (2) separate occasions within a twelve (12) month period;

C. Has bitten or clawed once causing injuries above the shoulders of a person;

D. Could not be controlled or restrained by the owner at the time of an attack;  
or

E. Has attacked any domestic animal or fowl on three (3) separate occasions within a twelve (12) month period.

**55.02 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress, or suffering.

**55.03 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

**55.04 ABANDONMENT OF CATS AND DOGS.** A person who has ownership or custody 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.

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

**55.06 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

**55.07 DAMAGE OR INTERFERENCE.** It is 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.

**55.08 ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance 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.

**55.09 RABIES VACCINATION.** Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is a violation of this chapter for any person to own or have a dog or cat in the person's possession, six (6) months of age or over, which has not been vaccinated against rabies. Dogs kept in State or Federally licensed kennels and not allowed to run at large shall not be subject to these vaccination requirements.

**55.10 CONTROL OF DISEASE OUTBREAK.** Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia or rabies, the Mayor, if that person deems it necessary, shall issue a proclamation ordering every owner of an animal, dog, or cat to confine the same securely on the owner's premises at all times, for such period of time as deemed necessary.

**55.11 OWNERS', PHYSICIANS', AND VETERINARIANS' DUTIES.** It is 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 is 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.

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board 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. After ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

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

**55.14 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner

fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

**55.15 IMPOUNDING COSTS.** Impounding costs are established and charged by the Cedar Valley Humane Society or other impounding facility used by the city.

**55.16 TAG AND COLLAR.** Every owner shall be required to provide each dog and/or cat with a collar to which the rabies tag and identification tag must be securely fixed. Such rabies tag and identification tag and collar shall be constantly worn by every animal, and it shall be the responsibility of the owner of such animal to assure the constant wearing of such collar and tag. In the event the animal's tags are lost or destroyed, the owner is required to replace them.

**55.17 EXERCISE AREAS.** The Mayor, with the approval of the City Council, may designate areas, if such are available, where owners may take their dogs for exercise and obedience training, provided such dogs attending such areas are under the control of competent persons while in such designated areas.

**55.18 NUMBER OF ANIMALS.** No person shall harbor or maintain such number of animals to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance. If such conditions exist, the Mayor is authorized to make an investigation. After notice to and hearing for the person or persons occupying or maintaining the residence or premises, or the persons harboring or maintaining the animals, the Mayor may order such number of animals be moved from the residence or premises to remedy or correct the unhealthful, unsanitary, or other conditions constituting a nuisance. Upon the failure of the person to follow the orders issued by the Mayor, appropriate action may be pursued in the courts to enforce the order of the Mayor.

**55.19 UNHEALTHFUL OR UNSANITARY CONDITIONS AND OTHER REGULATIONS.**

1. An owner shall keep all structures, pens, coops, and yards wherein animals are confined clean, devoid of vermin, and free of odors arising from feces.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of the feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.

4. An owner may, as an alternative to subsection 3 above, collect the feces and tum it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

**55.20 TETHERING OF ANIMALS.** No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street, alley, or private property other than the owner's.

**55.21 RELEASING OR MOLESTING DOGS OR CATS.**

1. No person shall willfully open any door or gate on any private premises for the purpose of enticing or enabling any dog or cat to leave such private premises and be at large, as defined in this chapter.
2. No person shall willfully molest, tease, provoke, or mistreat a dog or cat.

**55.22 KEEPING OF DANGEROUS OR VICIOUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor a dangerous animal for any reason within the City except in the following circumstances:

1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
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 Chapters 481A and 481B of the Code of Iowa.
4. Animals under the control of a law enforcement or military agency.

**55.23 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS AND VICIOUS ANIMALS.**

1. In the event that a dangerous 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 its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor, 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 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 premises in the City, the Mayor 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 or vicious animal in the City, the Mayor 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 (3) days of the receipt of such an order. Such order shall be contained in a notice to remove dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous 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 Mayor 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 Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered in person or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals, or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days, or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound, or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

**55.24 HOLD HARMLESS.** Absent a showing of reckless conduct, no person granted authority to enforce the provisions of this chapter shall be liable for damage to or destruction of any animal occurring during the course of enforcement of this chapter.

**55.25 PET AWARDS PROHIBITED.**

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
  - A. A prize for participating in a game.
  - B. A prize for participating in a fair.
  - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
  - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
  - A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
  - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part 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 adjudicated invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.



First reading on the 13 day of September, 2021.

Waivement of Second and Third Readings the 13th day of September, 2021.

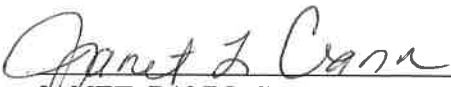
Final passage on the 13th day of September, 2021.

  
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BILL VOSS, MAYOR

ATTEST:

  
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JANET GANN, CITY CLERK

I certify that the forgoing was published in accordance with the laws and ordinances of the State of Iowa and the City of Walford the 17th day of September, 2021.

  
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JANET GANN, CITY CLERK