

# MUSCATINE POLICE DEPARTMENT

## MEMORANDUM

**TO:** Gregg Mandsager, City Administrator  
**FROM:** Brett Talkington, Chief of Police  
**SUBJECT:** City Council Agenda Item  
**DATE:** 01/30/2012

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### **INTRODUCTION:**

There has been an appeal from an Anthony Wolfmueller in reference to him having to remove two ball pythons from his residence. Having these snakes is in direct violation of city ordinance 4-1-1 (F) of the City Code of Muscatine.

### **BACKGROUND:**

The Animal Control Officer served removal notice to Mr. Wolfmueller on January 26<sup>th</sup> 2012 after an inspection by City Code Enforcement Officer Ken Rogers contacted the Police Department after finding the snakes in the residence of Mr. Wolfmueller.

### **RECOMMENDATION/RATIONALE:**

I recommend the City Council to uphold the removal of the snakes per City Code listed below. The City has upheld this ordinance in years past and others have had to remove their snakes that were constrictors.

Title 4 – General Provisions

Chapter 1 – Animal Regulations

### **SECTIONS:**

- 4-1-1 Definitions
- 4-1-2 Vaccination and Identification Required
- 4-1-3 Registration and License
- 4-1-4 Commercial Breeders
- 4-1-5 Actions Constituting a Nuisance
- 4-1-6 At Large Prohibited
- 4-1-7 Impoundment, Notice, Disposition
- 4-1-8 Animal Care
- 4-1-9 Rabies Suspects and Animal Bites
- 4-1-10 Vicious Animals; Guard or Attack Dogs

4-1-11 Dogs in Heat

4-1-12 Keeping of Dangerous Animals

4-1-13 Seizure, Impoundment, and Disposition of Dangerous Animals

4-1-14 Penalties

4-1-15 Exemption for Police Service Dogs (K9s).

4-1-1 Definitions. For use in this Ordinance, the following terms are defined:

A. "Dogs" means both male and female animals of the canine species whether altered or not.

B. "Animal" means dogs, cats, all domestic animals, and any other animal owned by a person.

C. "At large" means any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash, or "at heel" beside a competent person and obedient to that person's command.

D. "Owner" means any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.

E. "Vicious animal" means any animal that bites or attacks human beings or other animals or in a vicious and terrorizing manner attacks, or approaches in apparent attitude of attack, a person upon the streets, sidewalks, or any other public ground or place or any private property other than the premises of the owner, possessor, or keeper of such animal, or a dog that runs after and bites or barks at horses, bicycles, or any vehicle being ridden or driven upon the streets, sidewalks, or any public ground or place within the City.

F. "Dangerous animals" means:

1. Any animal which is not naturally tame or gentle; 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.

2. Any animal declared to be dangerous by the City Council.

3. The following animals which shall be deemed to be dangerous animals per se:

a. Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;

b. Wolves, coyotes, and foxes;

c. Badgers, wolverines, weasels, and skunks;

d. Raccoons;

e. Bears;

f. Monkeys and chimpanzees;

g. Alligators and crocodiles;

h. Scorpions;

i. Snakes that are venomous or constrictors;

j. Gila monsters; and

k. Any crossbreed of such animals which have similar characteristics to the animals specified above.

G. "Frequent and habitual" as referred to in Section 4-14(C) means at least three separate complaints within the neighborhood within a period of seventy-two (72) hours.

H. "Altered" means a neutered male dog or cat which has been rendered sterile by a surgical procedure (orchiectomy), or a spayed female dog or cat which has been rendered sterile by a surgical procedure (ovariohysterectomy).

I. "Unaltered" means a dog or cat that has not been altered as defined in this section.

J. "Commercial Breeder" means an owner, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the owner. An owner who owns or harbors three or less breeding males or females is not a commercial breeder.



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POLICE DEPARTMENT - A NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

ICR 12-0003572

Date: January 26, 2012

To: Anthony Womsteller

It has come to the attention of the undersigned that you are keeping, sheltering, or harboring a Two Ball Python 5 on your premises in the City of Muscatine, which is a dangerous animal as defined in Section 4-1-1 (F) of the City of Code of Muscatine.

You are hereby ordering to safely remove such animal from the City, permanently place the animal with an organization or group allowed to have such animals as provided in Section 4-1-1 of the City Code, or destroy the animal within three (3) days from the receipt of this order.

You are further notified that you may appeal this order by filing a written notice of appeal with the City Clerk within three (3) days after the receipt of this order. Failure to file such a written notice of appeal shall constitute a waiver of the right to appeal this order. Any such notice of appeal shall state the grounds for such appeal, and shall be delivered personally or by certified mail to the City Clerk at the City Hall, Muscatine, Iowa.

BY ORDER OF THE CHIEF OF POLICE,  
MUSCATINE POLICE DEPARTMENT

Brett Talsma

By Smaller 800

(This order shall be served personally or by certified mail)

"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain