CLERK BOARD
28 SEP '23
#9:28

Hello, my name is Steve Gilfillan, I reside at 2635 Ave I C.B. IA. I'm a retired deputy sheriff from the Pottawattamie County Sheriffs Dept. 10.5 years ago, I requested a waiver to the dangerous animal code regarding my snapping turtle named Tank. I worked with the City Health Board and Donn Dierks, I obtained the waiver to the code(see attached copy). My turtle named Tank is used as an educational animal. He visits local schools, service organizations, and colleges. He was hired by the Science Center of Iowa as part of their World Turtle Day celebration. Tank is a unique turtle in that he seeks out human interaction, there has never been an incident of aggression, biting or other situations that would deem him dangerous.

I am requestioning another waiver for 2 hatchling snapping turtles that were brought to me. At this time, they are half dollar size. I feel they would be a great addition to my presentation, showing the life and growth cycle of these amazing turtles. Showing these small turtles along with an adult size 40-pound male would be interesting to the audience. My turtles get yearly Vet. visits with DVM. Michael Bosilevac at the Best Care Pet Hospital in Omaha. DVM Bosilevac specializes in exotic animal care.

OFFICE OF:
PUBLIC HEALTH DEPARTMENT
(712) 328-4666

3/1/13

Mr. Steve Gilfillan
2635 Avenue I
Council Bluffs, IA 51501

RE: Waiver on keeping snapping turtle

Dear Mr. Gilfillan:

On Wednesday, February 6, 2013, the Council Bluffs Board of Health approved the issuance of a waiver to the provisions of Chapter 4.20.090 of the Council Bluffs Municipal Code. The waiver would allow you to keep your pet snapping turtle, named Tank, at your residence at 2635 Avenue I. The waiver also would allow you to utilize the turtle for the purpose of instruction or study.

Iowa law allows you to possess a live snapping turtle so long as you keep a valid Iowa fishing license.

When using the turtle for the purpose of instruction or study, it is solely up to the school or any other learning institution to allow you onto their site to conduct an instructional session. When utilizing the turtle for the purpose of instruction or study, the Board of Health would request that you refrain from allowing students to come into contract or close proximity with the head of the turtle.

Sincerely,

Donn Dierks
Director of Public Health

4.20.090 Keeping Of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor as a pet, guardian, or for any other purpose within the city, a dangerous animal as defined herein except as provided by this code.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.110 Regulation Of Keeping Of Dangerous Animals

A. Every person, firm, or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to CBMC 4.20.100 shall report such fact to the department of public health, 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 anti-venom for that species.

B. Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or other enclosure.

C. Every person, firm, or corporation keeping, sheltering or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of anti-venom on hand and current at all times.

D. No person, firm, or corporation 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 the property of another, except when such animal is being transported while caged or confined. The administrative authority may authorize the display or exhibit of dangerous animals upon public property, park property, or public right-of-way, provided it is determined that such display or exhibit will not be contrary to the public interest. The authorization to display or exhibit such animals may be conditioned upon the provision of adequate public liability insurance and the execution of an indemnity and hold harmless agreement in favor of the city of Council Bluffs by the party seeking such authorization.

E. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such animal may, in the discretion of the administrative authority, or the chief of police, be destroyed if it cannot be confined or captured. The city of Council Bluffs shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, and shall have no duty to notify the owner of such animal prior to its destruction.

F. No person owning, harboring, or having the care of a dangerous dog shall suffer or permit such animal to go unconfined on the premises of such person.

1. Said dangerous dog shall be confined in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of said premises. Such pen or structure must have secure sides at least six feet in height, embedded into the ground no less than one foot or secured into a concrete slab, and a secure top. Said pen or structure must be constructed of

materials which will prevent the dangerous dog from biting or otherwise attacking a person wholly outside of the pen or structure.

2. No person owning, harboring, or having care of a dangerous dog shall suffer or permit such dog to be beyond the premises of such person unless such dog is securely leashed and muzzled by a responsible adult, or otherwise securely restrained in a kennel or other enclosure.

3. No owner or other person shall sell, give away, or trade any dangerous dog without first giving written notification as to the name, address, and telephone number of the potential purchaser to the administrative authority. Said notice to the administrative authority shall include a copy of written notification signed by the potential purchaser, that the dog has been declared dangerous, and the restrictions of this chapter which shall apply.

G. Order to Remove. In the event that the administrative authority determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provisions of this chapter, the administrative authority may in his or her discretion have such individual or entity prosecuted for such violation, and/or 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 dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the administrative authority may be appealed as set forth in CBMC 4.20.132.

H. If the Board of Review affirms the action of the administrative authority, the board shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with within seven days of its issuance, the administrative authority is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the Board of Review was issued has not petitioned the Pottawattamie County District Court for a review of the order, the administrative authority shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the board of review issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of CBMC 8.02.020.

I. Every order of the board of review issued pursuant to the provisions of this section shall set forth the language of paragraph H of this section.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)