

CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

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56.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Dangerous animal” means:
 - A. Badgers, wolverines, weasels, ferrets, skunk and mink;
 - B. Raccoons;
 - C. Bats;
 - D. Scorpions;
 - E. Piranhas.

(Ord. 637 – Dec. 07 Supp.)

2. “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 twelve-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 occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

56.02 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 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.

It is the duty of the persons permitted to keep dangerous animals under the provisions of this section to report to the Police Department when any dangerous animal is found missing.

56.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City 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 Police Chief that a guard dog is on duty at said premises.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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 its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or Police Chief, 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 or Police Chief 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 Police Chief shall order the person named in the complaint to safely remove such animal from the City, 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 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 Police Chief 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 animal or vicious animal issued by the Police Chief 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 the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Police Chief. 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 Police Chief, 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 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 Police Chief 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 Police Chief is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Police Chief issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

(Ord. 637 – Dec. 07 Supp.)

56.05 VICIOUS DOGS. Notwithstanding any other provision of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined upon the premises of such person

and shall not permit the dog to go beyond the premises unless the dog is securely leashed and muzzled.

1. For the purpose of this section, a “vicious dog” means:
 - A. Any dog with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
 - B. Any dog of that breed known variously as American Pit Bull Terrier, American Staffordshire Terrier, or Pit Bull Terrier; or
 - C. Any dog of mixed breed or of other breeds than above listed which breed or mixed breed contains a strain of such breeds identifiable as such by a qualified veterinarian duly licensed in the State.
2. A vicious dog is “unconfined” unless such dog is:
 - A. Securely confined in a dwelling house; or
 - B. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six (6) feet; such pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure. If the fence, pen or structure is less than six (6) feet in height, it must have a secure top in addition to securely imbedded sides.
3. A vicious dog is not required to be muzzled when shown in an American Kennel Club Show or a show sanctioned by the American Kennel Club or when securely confined in a private vehicle and inaccessible to persons other than those within the vehicle.

56.06 CERTAIN DOG BREEDS PROHIBITED.

1. Except as provided in subsection 2, no person shall keep, shelter or harbor for any reason within the City any dogs of the following breeds:
 - A. Staffordshire terrier breed of dog; or
 - B. The American pit bull terrier breed of dog; or
 - C. The American Staffordshire terrier breed of dog; or
 - D. Rottweiler breed of dog; or

- E. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier, or Rottweiler.
2. Exempt from the prohibition set forth above shall be any dog of the breeds listed that is at least six months old and has been registered with the Chief of Police by November 1, 2010. Registration applications shall be made on a form supplied by the City and shall include the following requirements:
- A. Proof of current rabies vaccination.
 - B. Proof of homeowners or renters liability insurance coverage held by the dog owner in an amount not less than \$1,000,000.
 - C. Three (3) recent photos of the dog, one of the left profile, one of the right profile and one from the front.

If the registration requirements are satisfied, the Police Chief shall issue a certificate of registration for the dog which shall remain valid while the dog lives or remains in the City. Registration may not be transferred to any other dog, nor may ownership of a registered dog be transferred to anyone else who intends to keep the dog in the City. Registered dogs shall remain subject to all other animal control ordinances of the City.

(Ord. 680 – Nov. 10 Supp.)