

CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

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

1. “Animal” means every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo Sapiens*.
2. “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;
 - 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) Dogs of the variety commonly referred to as “pit bull”
 - (2) Wolves and coyotes;
 - (3) Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - (4) Bears;
 - (5) All apes (including chimpanzees), baboons and macaques;
 - (6) Monkeys, except the squirrel monkey;
 - (7) Elephants;
 - (8) Wild boar;
 - (9) Black widow spiders and scorpions;
 - (10) Snakes that are naturally venomous or poisonous;

- (11) All cats, except domestic cats (*Carnivora* of the family *Felidae* including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
 - (12) Raccoons, opossums and skunks;
 - (13) Alligators and crocodiles;
3. “Dog” means and includes members of the canine species, male or female, whether neutered or not.
 4. “Horse” means a large solid-hoofed herbivorous mammal (*Equus caballus*).
 5. “Kennel” means any premises on which four (4) or more dogs or four (4) or more cats six (6) months old or older, are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
 6. “Owner” or “owner of an animal” means any person owning, keeping, sheltering or harboring an animal.
 7. “Pet shop” means any person engaged in the business of breeding, buying, selling or boarding animals of any species, except the operation of a kennel, agriculture or wildlife pursuits.
 8. “Riding school or horse stable” means any person engaged in the business of teaching persons to ride horses or providing horses to ride for a fee.
 9. “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 propensities in present or past conduct, including such that said animal (a) has bitten a person or persons on two separate occasions within a twelve-month period; or (b) did bite 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 bite to prevent the occurrence; or (d) has attacked or bitten any domestic animal or fowl on two separate occasions within a twelve-month period, or (e) which has been found to possess such propensities by the Council, after hearing.

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep 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 in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required Federal or State licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources.
5. 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.

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. 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 persons or property, such animal may, in the discretion of the animal control officer 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 found at large, nor shall it have a duty to notify the owner of such animal prior to the animal's destruction.
2. Upon the written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the animal control officer 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 in the City, the animal control 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 under Section 56.02 of this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal

shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the animal control 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 animal issued by the animal control officer 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 animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

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 notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. 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 animal control officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City, permanently place such animal with an organization or group allowed under Section 56.02 to possess dangerous 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 animal control officer 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 animal control officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the Henry County District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 56.02 of this chapter to possess dangerous animals or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a simple misdemeanor.

56.04 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal as defined in this chapter.

56.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.

1. The animal control officer or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also state that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.
2. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the Henry County District Court for a review of such order, the animal control officer shall cause the animal to be destroyed.
3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a simple misdemeanor.
4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely be apprehended, in which case the animal control officer may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three (3) days of impoundment.
5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to

the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, such impoundment or quarantine shall be paid by the City.

56.06 GRANDFATHER CLAUSE. The dogs of the variety commonly referred to as “pit bulls” confined within the City limits on August 3, 1987 (including the one owned by James Scott), shall be allowed to remain within the City limits, provided that said dogs are properly confined in a pen according to the specifications approved by the animal control officer and Council. All other dogs of this variety hereafter owned by any individuals, including the individual named in this section, shall be banned according to the other provisions of this chapter.

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