

ARTICLE IV. DANGEROUS ANIMALS

Sec. 7-61. Defined.

"Dangerous animal" means:

- (1) 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.
- (2) Any animals declared to be dangerous by the city council.
- (3) The following animals which shall be deemed to be dangerous animals per se:
 - a. Lions, tiger, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
 - b. Wolves, coyotes and foxes;
 - c. Badgers, wolverines, weasels, and skunks;
 - d. Raccoons;
 - e. Bears;
 - f. Monkeys, chimpanzees, and other primates;
 - g. Alligators and crocodiles;
 - h. Scorpions;
 - i. Snakes that are venomous or constrictors;
 - j. Gila monsters;
 - k. Piranha and sharks;
 - l. Pit bull terrier; and,
 - m. Any crossbreed of such animals which have similar characteristics to the animals specified above.

(Ord. No. 2911, § 1, 4-16-02; Ord. No. 2921, § 3, 2-4-03)

Sec. 7-62. Keeping prohibited.

No person shall keep, shelter, or harbor for any purpose within the city a dangerous animal except as provided in sections 7-63 and 7-64 of this article. A violation of this section is a simple misdemeanor resulting in a minimum fine of \$100.00.

(Ord. No. 2911, § 1, 4-16-02; Ord. No. 2921, § 4, 2-4-03)

Sec. 7-63. Exceptions.

The prohibition contained in section 7-62 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (1) The keeping of dangerous animals in a public zoo, public aquarium, and 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 bona fide traveling circus, carnival, exhibit or show licensed to perform in the city.
- (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 conservation commission.
- (5) Any dangerous animals under the jurisdiction of and in the possession of the state conservation commission, pursuant to I.C.A. ch. 481A or I.C.A. ch. 481B.
- (6) The transport, entry, and display of a dangerous animal at an approved dog show when properly confined in a locked cage, or on a leash and muzzle and personally restrained by a handler or owner of the dog.

(Ord. No. 2911, § 1, 4-16-02; Ord. No. 2921, § 5, 2-4-03)

Sec. 7-64. Regulation of keeping dangerous animals.

- (a) Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under section 7-63 shall at all times keep such animal securely confined within a cage or other enclosure approved by the chief of police or designee.
- (b) No person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal as permitted under section 7-63 shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.
- (c) It shall be the duty of the persons permitted to keep dangerous animals under section 7-63 to report to the police department when any dangerous animal is found missing.
- (d) No person shall keep or harbor a dangerous animal which has demonstrated a propensity without provocation to attack or bite.

(Ord. No. 2911, § 1, 4-16-02; Ord. No. 2921, § 6, 2-4-03)

Sec. 7-65. Escape; general prohibition and duty.

No person shall aid or cause any dangerous animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window or making any opening of

any fence, enclosure of structure or by unleashing or releasing such animal.

(Ord. No. 2911, § 1, 4-16-02)

Sec. 7-66. Seizure, impoundment and disposition of dangerous animals.

(a) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the chief of police or a peace officer, 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 its destruction.

(b) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this article or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the chief of police 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 chief of police 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 7-63 of this Code to possess dangerous animals, or destroy the animal, within three 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 chief of police or a peace 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.

(c) The order to remove a dangerous animal issued by the chief of police may be appealed to the city council; however, the animal shall be removed until such time as the order is reversed by the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three 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.

(d) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be held during the next scheduled meeting of the city council following receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council shall affirm or reverse the order of the chief of police.

(e) If the original order of the chief of police is not complied with within three days of the order, a peace officer or the community service officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded pending any appeal before the city council. If, at the end of the impoundment period, the person against whom the order was issued by the chief of police has not petitioned the county district court for a review of said order or city council decision, the chief of police shall cause the animal to be disposed of by sale, permanently place such animal with a an organization or group allowed under section

7-63 to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees and fees incurred for the care of the dangerous animal shall be at the expense of the owner of the dangerous animal.

(f) In the event a dangerous animal as defined in section 7-61(3) is found within the city, the owner or person possessing the dangerous animal shall be ordered by a peace officer to immediately remove the animal from the city. If the owner or person having possession of such dangerous animal as defined in section 7-61(3) fails to immediately remove said animal or refuses to do so, a peace officer shall immediately seize the dangerous animal and impound the animal at the animal pound. If a police officer cannot safely capture or take control of such dangerous animal, the police officer shall immediately destroy it. If the animal's owner is not present, the city shall be under no duty to attempt to notify the owner prior to its capture or destruction.

(g) Upon the impounding of a dangerous animal as defined in section 7-61(3), the owner, if known, shall be notified of such impoundment by telephone or letter mailed to the owner's last known address if not reached by phone. Notice shall be deemed given upon telephone contact with owner or depositing the notice in the U.S. mail. The owner of the dangerous animal may claim the animal upon showing proof of ownership, payment of all impound and veterinary fees, and agreement to immediately remove the animal from the city upon taking possession of the animal. In the event the owner does not claim the animal, the chief of police shall cause such animal to be permanently placed with an organization or group allowed under section 7-63 to possess dangerous animals, or shall destroy such animal in a humane manner.

(h) When an animal has been determined to be a dangerous animal by the chief of police or designee as listed in section 7-61(3) and the owner of such animal disputes its classification as one of the listed animals, it shall be the owner's responsibility to provide positive proof by documentation or other means to the chief of police or designee that the animal is not an animal identified as a dangerous animal in section 7-61(3). If the animal remains classified as a dangerous animal as listed in section 7-61(3), the owner may appeal the animal's classification to the city council; however, the animal shall be removed from the city until such time as the classification is reversed by the city council. The appeal process shall be the same as set forth in sections 7-66(c) and (d).

(Ord. No. 2911, § 1, 4-16-02; Ord. No. 2921, § 7, 2-4-03)

Secs. 7-67--7-80. Reserved.