

## CHAPTER 57

# DANGEROUS AND VICIOUS ANIMALS

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

1. “Dangerous animal” means:
  - A. Badgers, wolverines, weasels, mink and other Mustelids;
  - B. Bats;
  - C. Black widow and brown recluse spiders and scorpions;
  - D. Raccoons, opossums, and skunks;
  - E. Any animal that while running at large has attacked or bitten any person, without provocation, or any animal that has exhibited vicious propensities in present or past conduct by acting in the following manner: (a) by biting a person or persons on two separate occasions, without provocation, within a twelve (12) month period; or (b) did bite a person once, without provocation, causing injuries above the shoulders of the person. “Provocation” must be established by clear and convincing evidence.
2. “Vicious dog” means any dog that while running at large has attacked or bitten any domestic animal or fowl on two separate occasions within a twelve (12) month period; or 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 the safety of said human beings or domestic animals; or any dog of that breed known variously as American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier; or any dog of mixed breed which contains a strain of such breed known variously as American Pit Bull Terrier, American Staffordshire Terrier or Pit Bull Terrier, which is identifiable as such by a qualified veterinarian duly licensed in the State of Iowa.

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal or act as a custodian for such animal, or keep such animal for any purpose or in any capacity within the City.

57.03 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 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 its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal in the City, the Police Chief shall cause the matter to be investigated, and if after investigation, the facts indicate that such person is keeping, sheltering or harboring a dangerous animal in the City, the Police Chief shall order such person to safely remove such animal from the City 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 the dangerous 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, issued by the Police Chief, may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City 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 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 City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the

receipt of notice of appeal. After such hearing, the City 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 City Clerk within three days after the hearing, or any continued session thereof.

5. If the City Council affirms the action of the Police Chief, the Board shall 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 original order of the Police Chief is not appealed and is not complied with within three (3) days, or if the order of the City Council after appeal is not complied with within three (3) days of its issuance, the Police Chief 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 individual or entity against whom the decision and order of the City Council was issued has not petitioned the Iowa District Court for a review of said order, the City shall cause the animal to be disposed of by sale or destroy such animals in a humane manner. Failure to comply with an order of the City issued pursuant hereto shall constitute a misdemeanor offense, punishable pursuant to this Code of Ordinances.

**57.04 CONFINEMENT OF VICIOUS DOGS.** Notwithstanding any other provisions 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. A vicious dog is “unconfined” unless such dog is:

1. Securely confined in a dwelling house, or
2. 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; and if any such fence, pen or structure is less than six (6) feet in height, it must have a secure top in addition to securely imbedded sides.

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. Any unconfined vicious dog may be impounded in the

same manner as an animal at large and the owner thereof charged the fees and costs therefor, all as provided in Chapter 55 of this Code of Ordinances.

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