

CHAPTER 56

DANGEROUS ANIMALS AND VICIOUS DOGS

56.01 Purpose

56.02 Definitions

56.03 Keeping of Dangerous Animals Prohibited

56.04 Seizure, Impoundment and Disposition of Dangerous
Animals

56.05 Vicious Dogs

56.01 PURPOSE. The purpose of this chapter is to provide restrictions on the presence of dangerous animals in the City and to provide for restrictions on vicious dogs with regard to muzzling, chaining, and fencing.

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

1. "Dangerous animal" includes the following:[†]
 - A. Badgers, wolverines, weasels, skunk and mink;
 - B. Raccoons;
 - C. Bats;
 - D. Scorpions;
 - E. Opossums;
 - F. Piranhas;
 - G. The pit bull terrier breed of dog, defined as follows:
 - (1) An American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed of dog;
 - (2) A mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier; or a dog which has the appearance and characteristics of being an American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier breed or mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier;
 - H. The Rottweiler breed of dog or mixed breed of dog which contains as an element of its breeding the breed of Rottweiler;
 - I. Any crossbreed of dogs listed in paragraphs G and H which have similar characteristics to those animals specified.
2. "Vicious dog" means any dog that has attacked a human being or a domestic animal; or any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent

[†] **EDITOR'S NOTE:** Certain other dangerous animals are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

attitude of attack. However, a dog is not a vicious dog if the threat, injury, damage, or behavior occurred when a person was committing willful trespass upon the property occupied by the keeper of the dog, or when a person was teasing, tormenting, abusing, or assaulting the dog, or when the person has in the past been observed to have teased, tormented, abused, or assaulted the dog.

56.03 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 purpose or in any capacity within the City.

56.04 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal as defined in this chapter 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, 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 the City 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 on premises in the City, the Mayor 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 Mayor 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 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 Mayor shall cause the animal to be immediately seized and impounded or destroyed 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 Mayor 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 the right to appeal the order of the Mayor.

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 at the next regularly scheduled Council meeting. The hearing may be continued for good cause.

5. If the Council affirms the order of the Mayor, 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 or destroy the animal. The decision and order shall immediately be served upon the person against whom rendered, either by personal service or by certified mail. If the original order of the Mayor 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 Mayor is authorized to seize and impound such dangerous animal. Any 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 Mayor or Council was issued has not petitioned the District Court for a review of said order, the Mayor shall cause the animal to be disposed of by sale or other means or destroy such animal in a humane manner.

56.05 VICIOUS DOGS.

1. **Removal.** All vicious dogs shall be permanently removed from the City limits. Any vicious dog that returns to the City limits after removal shall be destroyed. The Mayor shall destroy any vicious dog that is not removed from the City limits.
2. **Mayor's Declaration.** Upon receipt of a complaint that a dog is a vicious dog, the Mayor shall determine whether the complaint is credible, and if the Mayor determines that the complaint is credible, then the Mayor shall declare the dog to be a vicious dog.
3. **Notice.** A written notice shall be delivered to the keeper of the dog, informing the keeper of the dog that the dog is a vicious dog, that the dog must be confined and removed from the City limits as specified in this chapter, and that there is a right to a hearing.
4. **Request for Hearing.** The keeper of the dog may request a hearing with the Council. The hearing must be requested in writing to the Clerk within 10 days of the delivery of notice that the dog is vicious. If the request for hearing is not made within 10 days, then there shall be no right to a hearing.
5. **Time of Hearing.** If a request for hearing is made within 10 days, then the hearing shall be held at the next regularly scheduled Council meeting. However, the hearing shall not be held with less than 5 days' notice to the dog keeper, unless this time period is waived.
6. **Impoundment Pending Hearing.** The City shall impound the dog until the hearing, or, at the City's option, the City shall allow the dog keeper to confine the dog in a house or residence until the hearing.
7. **Hearing.** At the hearing the Council shall determine whether the dog is a vicious dog as defined in this section. If the Council determines that the dog is a vicious dog, then the Council shall order the keeper of the dog to immediately remove the dog from the City limits. The person requesting the hearing may present facts, details, examples, information, and argument to the Council.
8. **Costs.** The dog owner shall pay all costs of impoundment and destruction. However, if the Council determines after hearing that the dog is not a vicious dog, then the City shall pay the costs of impoundment.

The definition of "dangerous animal," which includes Pit Bull Terriers and Rottweilers, is not affected by this section. These two breeds of dogs are banned from the City limits at all times.

[The next page is 335]