

**ORDINANCE NO. 01-O-2024-2025**

**AN ORDINANCE AMENDING TITLE VIII OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA, BY REPEALING AND REPLACING CHAPTERS 8-9 PERTAINING TO ANIMAL CONTROL**

WHEREAS, Title VIII, Police, of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa ("City Code") contains Chapter 8-9 pertaining to the control and regulation of animals and animal ownership within the corporate limits of Storm Lake; and

WHEREAS, the City Council of the City of Storm Lake ("Council" or "City," respectively) seeks to repeal and replace Chapter 8-9 pertaining to animal control and regulation for the purposes of updating the provisions; and

WHEREAS, the City finds it proper and necessary to adopt revised ordinances to protect the health and welfare of citizens; and

WHEREAS, the Council hereby determines the revisions and changes to the various animal control sections of City Code Title VIII are in the public's best interests.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA, THAT:

**SECTION ONE.** Title VIII of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, is hereby amended by repealing Chapter 8-9, Dangerous and Vicious Animals, in its entirety and replacing it with the following in lieu thereof:

**Chapter 8-9**

**DANGEROUS AND VICIOUS ANIMALS**

Sections:

- 8-9-1 Definitions
- 8-9-2 Keeping of Dangerous Animals Prohibited
- 8-9-3 Dangerous Animal Exceptions
- 8-9-4 Seizure, Impoundment and Disposition of Dangerous Animals
- 8-9-5 Keeping of Vicious Animals Prohibited
- 8-9-6 Vicious Animal Exception
- 8-9-7 Seizure, Impoundment and Disposition of Vicious Animals
- 8-9-8 Restrictions of Keeping of Potentially Vicious Animals
- 8-9-9 Complaint, Procedures and Restrictions of Potentially Vicious Animals

**Section 8-9-1 Definitions**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

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 Board of Health of the County or the City Manager, or their designee;
3. The following animals which shall be deemed to be dangerous animals per se:
  - a. All cats, except domestic cats (Carnivora of the family Felidae including, but not limited to, lions, cougars, tigers, jaguars, leopards, lynx, and bobcats);
  - b. Wolves, coyotes and foxes;
  - c. Badgers, wolverines, weasels, skunks and mink;
  - d. Raccoons;
  - e. Bears;
  - f. All apes and monkeys, including chimpanzees;
  - g. Bats;
  - h. Alligators and crocodiles;
  - i. Scorpions;
  - j. Snakes that are venomous or constrictors; and
  - k. Gila monsters.

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. Chases or approaches a person, domestic animal, fowl, or livestock in an apparent attitude of attack, or
2. Attacks a person, domestic animal, fowl, or livestock; or
3. Bites, harms, or attempts to bite or harm a person, domestic fowl, or livestock; or
4. Has been trained to fight other domestic animals; or
5. Has been trained as a guard dog for people or property.

This definition shall not apply to law enforcement canines.

An animal provoked to an attitude of self-defense or assumes a defensive attitude in protection of its owner's property shall not be a per se potentially vicious animal. The City Manager or their designee may take various factors into consideration when determining whether an animal meets this definition. These factors include, but are not limited to, whether the animal was provoked, or whether the animal was acting to protect itself, its owner, or its owner's property.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either:
  - a. The animal was being provoked, teased or tormented; or
  - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

### **Section 8-9-2 Keeping of Dangerous Animals Prohibited**

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the corporate limits of the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

### **Section 8-9-3 Dangerous Animal Exceptions**

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (A) The keeping of a service animal, as defined and required by state and federal law.
- (B) 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.
- (C) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
- (D) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (E) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (F) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

### **Section 8-9-4 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, 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 City Manager or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake 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 of Storm Lake, the City Manager 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 City Manager shall declare the animal to be dangerous and order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9-3 of this Code to possess dangerous animals, or humanely destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove 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 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 City Manager shall cause the animal to be immediately seized and impounded or destroyed if seizure or 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 City Manager shall be appealable 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 dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Manager.
- (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 scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. The City Manager may direct quarantine or impound of the dangerous animal until after an appeal hearing. After such hearing, the City Council may affirm or reverse the order of the City Manager. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.
- (E) If the City Council affirms the action of the City Manager, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the corporate limits of the City of Storm Lake, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or humanely 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 City Manager is not appealed and is not complied with within three (3) days of its issuance, the City Manager

or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Manager or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or humanely destroy such animal. Failure to comply with an order of the City Manager issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a municipal infraction.

### **Section 8-9-5 Keeping of Vicious Animals Prohibited**

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

### **Section 8-9-6 Vicious Animal Exception**

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

- (A) Animals under the control of a law enforcement or military agency.
- (B) The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", "beware of dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

### **Section 8-9-7 Seizure, Impoundment and Disposition of Vicious Animals**

- (A) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a vicious animal on premises in the City of Storm Lake, the City Manager 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 vicious animal in the City, the City Manager shall declare the animal to be vicious and order the person named in the complaint to safely remove such animal from the City of Storm Lake, or humanely destroy the animal, within three (3) days of the receipt of such order. Such order shall set forth the description of the animal declared to be vicious and an explanation for the determination of viciousness. Such order shall be contained in a notice to remove vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the vicious animal, and shall be served personally or by certified mail. Such order and notice to remove vicious animal shall not be required where such vicious animal has previously caused serious physical harm or death to any person in which case the City Manager shall cause the animal to be immediately seized and impounded or humanely destroyed if

seizure or impoundment are not possible without risk of serious physical harm or death to any person. If the order is not complied with within three (3) days of its issuance, the City Manager or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Manager or his/her designee was issued has not appealed such order to the City Council, the City Manager or his/her designee shall cause the animal to be destroyed.

- (B) The order to remove or destroy vicious animal issued by the City Manager or his/her designee shall be appealable 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 to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Manager or his/her designee. The animal shall continue to be quarantined or impounded as directed by the City Manager at the owner's cost until conclusion of the appeal.
- (C) 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. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Manager or his/her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.
- (D) If the City Council affirms the action of the City Manager or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Manager or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Manager or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Manager or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Manager or his designee shall cause the animal to be destroyed in a humane manner.
- (E) Failure to comply with an order of the City Manager or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a municipal infraction.
- (F) 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 safely be

apprehended, in which case the City Manager, Police Chief, or their designee may immediately destroy it.

- (G) Any animal which is impounded or quarantined pending investigation or appeal of a vicious animal report, shall not be released to the owner, but shall continue to be held at the expense of the owner pending final disposition by administrative order or Council appeal. 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, all costs of such impoundment or quarantine shall be paid by the City.

### **Section 8-9-8 Restrictions of Keeping of Potentially Vicious Animals**

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

### **Section 8-9-9 Complaint, Procedures and Restrictions of Potentially Vicious Animals**

- (A) The City Manager, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, shall cause the matter to be investigated, and if, after investigation, the facts indicate that the particular animal meets the definition of potentially vicious as provided herein, the City Manager or his/her designee shall declare the animal to be potentially vicious and may order the owner to comply with some or all the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.
2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.
3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.
4. The owner shall provide the City with a copy of a certificate of insurance issued by an insurance company licensed to do business in the state providing personal liability insurance as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents. The certificate shall require notice to the city if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, the City may provide up to 30 days subsequent to the determination that an animal is potentially vicious to obtain the certificate; however, if after 30 days a certificate of insurance or a policy has not been

submitted or the insurance coverage is cancelled, the animal shall be deemed unregistered or unlicensed and subject to immediate impoundment or removal from the corporate limits of the city.

(B) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits shall be appealable to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(C) Failure to comply with an order of the City Manager's or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

**SECTION TWO.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

**SECTION THREE.** Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION FOUR.** Effective. This Ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out hereinabove.

**SECTION FIVE.** When this ordinance is in effect, it shall automatically supplement, amend, and become a part of the said Recodification of the Municipal Code of the City of Storm Lake, Iowa.

PASSED on its first consideration the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED on its second consideration the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Requirement of consideration and vote at two (2) prior Council meetings suspended the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND APPROVED on its third consideration this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF STORM LAKE, IOWA

By: \_\_\_\_\_

Micheal Porsch, Mayor

\_\_\_\_\_ No action taken by Mayor.

\_\_\_\_\_ Vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Michael Porsch, Mayor

ATTEST:

\_\_\_\_\_  
Mayra A, Martinez, City Clerk

\_\_\_\_\_ Repassed and adopted over the veto this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_ Veto affirmed this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by failure of vote taken to repass.

\_\_\_\_\_ Veto affirmed no timely vote taken to repass over veto.

ATTEST:

\_\_\_\_\_  
Mayra A. Martinez, City Clerk