

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

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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 Administrator or his/her designee;
3. The following animals which shall be deemed to be dangerous animals per se:

Lions,tigers, jaguars, leopards, cougars, lynx and bobcats;

Wolves, coyotes and foxes;

Badgers, wolverines, weasels, skunks and mink;

Raccoons;

Bears;

Monkeys and chimpanzees;

Bats;

Alligators and crocodiles;

Scorpions;

Snakes that are venomous or constrictors;

Gila monsters;

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

1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, or
2. With a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to

otherwise threaten the safety of human beings or domestic animals.

(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 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 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.
- (B) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- (C) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (D) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (E) 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 Administrator 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 Administrator 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 Administrator shall 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 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 Administrator shall cause the animal to be immediately seized and impounded or killed 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 Administrator 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 dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

(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. After such hearing, the City Council may affirm or reverse the order of the City Administrator. 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 Administrator, 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 City, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, 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 City Administrator is not appealed and is not complied with within three (3) days of its issuance, the City Administrator or his/her designee 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 Administrator or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator 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 destroy such animal in a humane manner. Failure to comply with an order of the City Administrator 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", 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) The City Administrator or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Administrator or his/her designee. The person, firm or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than three (3) days 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 set forth 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.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is vicious, the City Administrator or his/her designee shall order the person, firm, or corporation owning, sheltering, 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 individual or entity 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 City Administrator or his/her designee 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 individual or entity against whom the order of the City Administrator or his/her designee was issued has not appealed such order to the City Council, the City Administrator or his/her designee shall cause the animal to be destroyed.

(C) The order to remove or destroy vicious animal issued by the City Administrator or his/her designee shall 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 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 Administrator or his/her designee.

(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. After such hearing, the City Council may affirm or reverse the order of the City Administrator 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.

(E) If the City Council affirms the action of the City Administrator 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 Administrator 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 Administrator or his/her designee is authorized to seize and impound such vicious 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 Administrator 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 Administrator or his designee shall cause the animal to be destroyed in a humane manner.

(F) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

(G) 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 Administrator or his/her designee may immediately destroy it.

(H) 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, 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 Administrator, 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, may initiate proceedings to declare such animal a potential vicious animal. A hearing on the matter shall be conducted by the Administrator or his/her designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than three (3) days 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 that the animal is potentially vicious. The notice shall also set forth that if the animal is determined to be potentially vicious, the owner will be required to comply with certain restrictions with regard to the animal and if such restrictions are not followed, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon an 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.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is potentially vicious, the City Administrator or his/her designee may order that the owner comply with some or all of 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.

(C) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits may be appealed 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.

(D) Failure to comply with an order of the City Administrator 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.