

CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

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

1. “Animal” means every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. “Animal control officer” means the individual or individuals appointed by the City to enforce this chapter.
3. “At large” means off the premises of the owner, unless:
 - A. The animal is on a leash, cord, chain or similar restraint not more than six feet in length and under the control of the person; or
 - B. The animal is within a motor vehicle; or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter; or
 - D. The animal is at heel.
4. “Dangerous animal” means
 - A. 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;
 - B. Any animal declared to be dangerous by the Board of Health or Council; and
 - C. The following animals, which are deemed to be dangerous animals per se:
 - (1) Wolves and coyotes;
 - (2) Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - (3) Bears;
 - (4) All apes (including chimpanzees), baboons and macaques;
 - (5) Monkeys, except the squirrel monkey;
 - (6) Elephants;
 - (7) Wild boar;
 - (8) Black widow spiders and scorpions;
 - (9) Snakes that are naturally venomous or poisonous;

- (10) All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
- (11) Raccoons, opossums and skunks;
- (12) Alligators and crocodiles;
- (13) Pit bull terriers, including the following:
 - (a) The Bull Terrier breed of dog;
 - (b) The Staffordshire Bull Terrier breed;
 - (c) The American Pit Bull Terrier breed;
 - (d) The American Staffordshire Terrier breed;
 - (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
 - (f) Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.
- (14) Rottweilers and Doberman Pinschers.

5. "Dog" means and includes members of the canine species, male or female, whether neutered or not.

6. "Vicious animal" means any animal, except for a dangerous animal *per se*, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal (i) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (ii) did bite or claw once causing injuries above the shoulders of a person; or (iii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (iv) has attacked any domestic animal or fowl on two separate occasions within a twelve-month period, or which has been found to possess such propensities by the Council, after hearing.

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any other purpose or in any other capacity within the City except in the following circumstances:

1. 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.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit, or show is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required federal or State licenses.

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 Department of Natural Resources.
5. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the *Code of Iowa*.

While (i) constricting snakes exceeding six feet in length and (ii) lizards exceeding two feet in length are not declared by this chapter to be dangerous per se, the owners of such animals shall, within two hours of knowledge of the possibility of such an animal being at large within the City, so notify the Police Department.

57.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or 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 57.04. 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 import, and the owner of such premises shall inform the Police Chief that a guard dog is on duty at said premises.

57.04 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS.

1. In the event that a dangerous or vicious 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 animal control 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 or vicious 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 or vicious animal on premises in the City, the animal control officer 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 or vicious animal in the City, the animal control officer 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 57.02 of this chapter to possess dangerous or vicious 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 or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous or vicious animal shall not be required where such dangerous or vicious animal has previously caused serious physical harm or death to any person, in which case the animal control 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.

3. The order to remove a dangerous or vicious animal issued by the animal control officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

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 within seven days of the receipt of notice of appeal. After such hearing, the Council may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the animal control officer, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed under Section 57.02 to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three days of its issuance, the animal control officer is authorized to seize and impound such dangerous or vicious animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the District Court for a review of said order, the City shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 57.02 of this chapter to possess dangerous or vicious animals or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

57.05 INSURANCE. Every person keeping or maintaining a dangerous animal as provided by one of the exceptions in this chapter, or a guard dog as provided in this chapter, shall accompany any application or display upon request by the animal control officer a certificate of insurance from an insurance company authorized to do business in the State with coverage of at least \$150,000.00 combined single limit liability for bodily injury. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless 10 days' written notice is first given to the Clerk. Failure to provide or display such certificate of insurance shall immediately cause the applicant, licensee or owner of such animal to lose the exemption status as provided in this chapter.

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