

CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

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

1. "Dangerous animal" means:†

A. Badgers, wolverines, weasels, skunk and mink;

B. Raccoons;

C. Bats;

D. Scorpions;

E. Pit Bull Terriers, including the following:

(1) The Bull Terrier breed of dog;

(2) The Staffordshire Bull Terrier breed;

(3) The American Staffordshire Terrier breed;

(4) The American Pit Bull Terrier breed;

(5) Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

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F. Any dog or other animal which has a known propensity, tendency or disposition to attack human beings or domestic animals without provocation, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury to or to otherwise endanger their safety; or any dog or other animal that manifests a disposition to snap or bite.

G. Any of the above stated dogs or other animals that have been cross-bred or genetically altered. (e.g., wolf-dog)

2. "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 tendencies in present or past conduct, including such that said animal: (a) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a 12-month period.

†**EDITOR'S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

56.02 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 other purpose or in any other capacity within the City, except as hereinafter provided in this chapter.

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56.03 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 this chapter. 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 local law enforcement officers that a guard dog is on duty at said premises.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal 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 Mayor or Police 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 animal 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 animal or vicious animal on premises in the City, the Mayor or Police 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 Mayor or Police Officer shall order the person named in the complaint to safely remove such animal from the City, the Mayor or Police Officer 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 an order. Such order shall be contained in a notice to remove dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or Police 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 animal or vicious animal issued by the Mayor or Police 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 (3) days after receipt of the order contained in the notice to remove dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor or Police 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. Within seven (7) days a date of hearing for such appeal will be set. After such hearing, the Council may affirm or reverse the order of the Mayor or Police Officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor or Police 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 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 Mayor or Police Officer 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 or Police Officer is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor or Police Officer issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

6. In matters concerning dangerous animals defined in this chapter as Pit Bull Terriers, the Council may allow the owner (as defined in Section 55.01) to keep the dog under the following conditions only:

A. Upon notice from the City Police Department that an owner is suspected of keeping, sheltering or harboring a Pit Bull Terrier as defined in this chapter, that person must obtain a genetic test as to the predominant breed of their dog and present the results thereof to the Mayor and Police Department. If the dog is not a Pit Bull Terrier as defined in this chapter, the dog is not a dangerous animal unless it otherwise qualifies as such pursuant to Section 56.01.

B. Should the report indicate that the dog is a Pit Bull Terrier as defined in this chapter the owner may only keep the dog within the City by performing all of the following within 30 days of the findings of the report:

(1) The owner must provide documentation to the City Clerk that the dog has been sprayed and neutered and that it has had an identification microchip inserted;

(2) The owner must provide documentation to the City Clerk that there is insurance coverage in the minimum amount of \$1,000,000 per occurrence and that the policy is written in such a way so as to provide the City of Postville with notice of a lapse in the policy coverage;

(3) The owner must register the dog with the City Clerk and pay a \$50.00 registration to defray administrative costs;

(4) The dog must be evaluated for any dangerous behavioral dispositions by a qualified professional approved the City at least annually and determined to not be a threat to persons. A copy of the report of the evaluation shall be placed on file with the City Clerk;

(5) The dog must be confined in a kennel or fenced in yard in a sufficient manner so as to prevent the dog from escaping from its owner's premises. Upon the occurrence of a 3rd escape in any 12 month period, the dog shall no longer be allowed to remain within City limits and must be removed or destroyed pursuant to the procedure as detailed otherwise in this Section 56.04.

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