

ORDINANCE #211

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAMONI, IOWA, 2010, BY AMENDING PROVISIONS PERTAINING TO DANGEROUS AND VICIOUS ANIMALS

BE IT ENACTED by the City Council of the City of Lamoni, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to delete Chapter 57 Dangerous and Vicious Animals and substitute new provisions therefor entitled Chapter 57 Dangerous Animals.

SECTION 2. CHAPTER MODIFIED. Chapter 57 of the Code of Ordinances of the City of Lamoni, Iowa, 2010, is repealed and the following adopted in lieu thereof:

CHAPTER 57

DANGEROUS ANIMALS

57.01 Definitions

57.02 Keeping of Dangerous Animals Prohibited

57.03 Seizure, Impoundment and Disposition of Dangerous Animals

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

- a) "Dangerous animal" means any animal that:
 - (1) Causes a serious injury to a person or domestic animal; or
 - (2) Has been designated as a potentially dangerous animal ; or
 - (3) Is prohibited and regulated by Chapter 717F of the Code of Iowa.
- b) "Serious injury" means any physical injury to a human being caused by an animal resulting in a fracture, muscle tears or lacerations or requires multiple sutures or corrective or cosmetic surgery.
- c) "Proper enclosure" of a potentially dangerous and dangerous animal requires:
 - (1) Potentially dangerous and dangerous animal is securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls of sufficient height that the animal cannot escape;
 - (2) Any pen, kennel, or other structure designed, constructed or used to confine a potentially dangerous and dangerous animal must be locked with a key or combination lock when such animal is within; and

- (3) Any pen, kennel, or other structure erected to house such animal must comply with all zoning and building regulations of the City of Lamoni and must be adequately lighted and ventilated and kept in a clean and sanitary condition. No potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure, which would allow the potentially dangerous or dangerous animal to exit such building on its own volition.
- d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
- e) "Impound" means taken into custody by the City of Lamoni, Iowa or its designee.
- f) "Provocation" means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.
- g) "Potentially dangerous animal" means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
- (1) Causing an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
 - (2) Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance other than a car or a truck upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals;
 - (3) Running at large, impounded, or owner cited by the City of Lamoni, Iowa, or law enforcement to enforce the potentially dangerous or dangerous animal law two (2) or more times within any 12-month period;
 - (4) Acts in a highly aggressive manner within a fenced yard/enclosure and appears able to escape.
- h) "Responsible person" means a person at least 18 years old who is able to keep the animal under complete control at all times.

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous or potentially dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any purpose or in any capacity within the City except within a proper enclosure as outlined in 57.01c. Species of dangerous wild animals as defined in the Iowa Code Chapter 717F.1(5)(a) are not allowed in the city limits of the City of Lamoni, except as permitted by Iowa Code Chapter 717F.7.

57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS. A dangerous animal shall be dealt with in the following manner:

1. In the event that a dangerous or potentially 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 persons or property, such animal may, in the discretion of the Police Chief, 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 potentially dangerous 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 potentially dangerous animal on premises in the City, the Police Chief 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 potentially dangerous animal in the City, and the enclosure for the animal does not meet the standards for a proper enclosure outlined in 57.01(c), the Police Chief shall order

the person named in the complaint to safely remove such animal from the City or destroy such animal in a humane manner within three days of the receipt of such order. Such order shall be contained in a notice to remove the animal, which notice shall be given in writing to the person keeping, sheltering or harboring the animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous or potentially dangerous animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Police Chief 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 such dangerous or potentially dangerous animal issued by the Police Chief 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 potentially dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

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 (7) days of the receipt of the notice of appeal. After such hearing, the Council may affirm or reverse the order of the Police Chief. 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 Police Chief, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or potentially dangerous 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 Police Chief is not appealed and is not complied with within three days of its issuance, or if the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief 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 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 or destroy such animal in a humane manner.

6. Failure to comply with an order of the Council issued pursuant hereto shall constitute a violation of this Code of Ordinances.

7. Any animal found at large which displays dangerous tendencies may be processed as a dangerous animal pursuant to the foregoing, unless the animal is so dangerous that it cannot safely be apprehended, in which case the Police Chief may immediately destroy it.

8. No provision in this ordinance shall be construed as impeding the requirement of law enforcement personnel to protect any person from immediate threat from a dangerous or potentially dangerous animal, using whatever means are available and necessary, to protect the health and safety of the officer or other person.

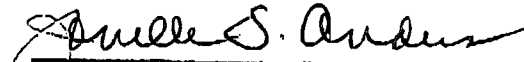
9. Any animal which is alleged to be dangerous or potentially dangerous and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous or potentially dangerous. If the animal is not determined to be dangerous or potentially dangerous, such impoundment or quarantine shall be paid by the City.

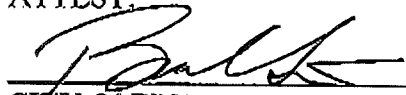
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SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

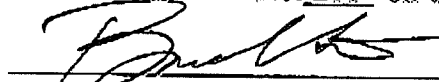
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, and when the Mayor and City Clerk have acted as required by the Code of Ordinances of the City of Lamoni, Iowa.

Passed by the Council the 24th day of October, 2013, and approved this 24th day of October, 2013.


MAYOR

ATTEST:

CITY CLERK

I certify that the foregoing was published as Ordinance No. 211 on the 31st day of October, 2013.


CITY CLERK

1 st reading	<u>09/12/2013</u>
2 nd reading	<u>10/10/2013</u>
3 rd reading	<u>10/24/2013</u>
Publication	<u>10/31/2013</u>