

CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH ENGLISH, IOWA, 2017 BY CHANGING DANGEROUS AND VICIOUS ANIMALS:

BE IT ENACTED by the City Council, City of North English, Iowa:

SECTION MODIFIED, CHAPTER 56 MODIFIED, DANGEROUS AND VICIOUS ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH ENGLISH, IOWA 2017 is amended and the following adopted in lieu thereof:

CHAPTER 56 The Code of Ordinances of the City of North English, Iowa, 2017 is amending

SECTION 56.01 – DEFINITIONS, and

SECTION 56.03 - SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

which are hereby adopted to read as follows:

56.01 DEFINITIONS.

1. “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 County Board of Health or Council or its designee; and
 - C. Badgers, wolverines, weasels, skunk and mink;
 - D. Raccoons;
 - E. Bats;
 - F. Scorpions.
2. Dangerous Dog which means:
 - A. Any dog with a propensity, tendency or disposition to attack or cause injury to or to otherwise endanger the safety of humans or other domestic animals, or
 - ~~B. Any pitbull terrier, which is defined as any, Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian licensed as such by the state, or~~
 - ~~C. Any rottweiler which is defined as any rottweiler breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of rottweiler as to be~~

[†] **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.

identifiable as partially of the breed of rottweiler by a qualified veterinarian duly licensed by the state.

3. "Dog" means both male and female animals of the canine species.
4. "Vicious animal" means any animal, except for a dangerous animal as listed above, that has attacked, bitten or clawed a person 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: (i) has bitten more than one person during the animal's lifetime; or (ii) has bitten one person on two or more occasions during the animal's lifetime; or (iii) has attacked any domestic animal or fowl without provocation, causing injury or death while off the property of the owner.

5. "*Animal Control Officer*" means the Chief of Police or the Iowa County Sheriff, or their designee.

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS, DANGEROUS DOGS, OR VICIOUS ANIMALS.

1. In the event that a dangerous animal, *dangerous dog, or vicious animal* is found at large and unattended upon public property, dark 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 animal, *dangerous dog, 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, *dangerous dog, or vicious animal* on premises in the City, the Animal Control Officer *or Mayor* shall *order that the matter be investigated and after investigation, the facts indicate that* ~~cause the matter to be investigated and if after investigation, the facts indicate that~~ the person named in the *complaint* ~~complaint~~ is keeping, sheltering or harboring a dangerous animal, *dangerous dog, or vicious animal* in the City, the Animal Control Officer shall order the person named in the *complaint* ~~complaint~~ to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Section 56.03 of this chapter to possess dangerous animals, *dangerous dogs, or vicious 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 the dangerous animal, *dangerous dog, or vicious animal*, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, *dangerous dog, or vicious animal* and shall be served personally or *served* by certified mail. Such order and notice to remove the dangerous animal, *dangerous dog, or vicious animal* shall not be required where such dangerous animal, *dangerous dog, or vicious animal* has previously caused serious physical harm or death to any person, in which case the Animal Control Officer *or Mayor* 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, *dangerous dog, or vicious animal* issued by the Mayor or *Animal Control Officer* ~~peace officer~~ may be appealed to the Council *District Court by filing an action in the District Court*. In order to appeal such order, *an action* ~~written notice of appeal~~ must be filed with the Clerk *of the District Court* within three days after receipt of the order contained in the notice to remove the dangerous *animal, dangerous dog, or vicious animal*. Failure to file such *action with the Clerk of the District Court within three (3) days after receipt of the order contained in the notice to remove* ~~written notice of appeal~~ shall constitute a waiver of the right to appeal the order of the Mayor or *Animal Control Officer or their designee*. ~~peace 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 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 animal remove such animal from the City, permanently place such animal with an organization or group allowed under this section to possess dangerous animal 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 or the order of the Council after appeal is not complied with within three days or the order of the Council after appeal is not complied with within three days of it issuance, the Animal Control Officer is authorized to seize and impound such dangerous 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 56.03 of this chapter to possess dangerous animal or destroy such animal in a humane manner.~~

Passed by the Council the 1st day of February, 2023, and approved this 1st day of February, 2023.



DANIEL STROHMAN, MAYOR

ATTEST:

TARA HEYNE, CITY CLERK/ TREASURER

I certify that the foregoing was published as Ordinance No. 2023.1 on the 8th day of February, 2023.



TARA HEYNE, CITY CLERK/ TREASURER