

## CHAPTER 57

# DANGEROUS AND VICIOUS ANIMALS

### 57.01 Definitions

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

1. “Dangerous animal” means (i) 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; (ii) any animal declared to be dangerous by the County Board of Health or City Council; and (iii) the following animals, which are deemed to be dangerous animals per se:

- A. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats.
- B. Wolves, coyotes, and foxes.
- C. Badgers, wolverines, weasels, skunk, and mink.
- D. Raccoons.
- E. Bears.
- F. Monkeys and chimpanzees.
- G. Bats.
- H. Alligators and crocodiles.
- I. Scorpions.
- J. Snakes that are venomous or constrictors.
- K. Gila monsters.

2. “Vicious animal” means any animal, except for a dangerous animal per se, 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.

**57.02 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 in the following circumstances:

- 1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
- 2. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

3. 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*.

**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 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 Mayor or peace officer that a guard dog is on duty at said premises.

**57.04 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 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 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 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 vicious animal in the City, the Police Chief shall order the person named in the complaint to permanently remove the animal from the City, or destroy the animal within three days of the receipt of such an order. Such order shall be contained in a notice which 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 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 killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order on the dangerous animal or vicious animal issued by the Police Chief may be appealed to the City Manager. 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. 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 days of the receipt of the notice of appeal. The hearing may be continued for good cause. The appeal shall be heard by a committee appointed by the City Manager and consisting of a minimum of three people, including the City Manager, a representative from Polk County Animal Control, and a trained animal professional (veterinarian, trainer, etc.). After such hearing, the committee 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 Committee affirms the action of the Police Chief, the Committee shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous or vicious animal, permanently remove the 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 or the order of the Committee after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize, impound, or destroy such dangerous or vicious animal. Failure to comply with an order of the Police Chief issued pursuant to this chapter and not appealed, or of the Committee after appeal, constitutes a simple misdemeanor.

*(Section 57.04 – Ord. 2021-2200 – Jan. 22 Supp.)*

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