

**ORDINANCE #591**

**AN ORDINANCE AMENDING THE GRIMES CODE OF ORDINANCE  
CHAPTER 57, VICIOUS DOGS AND DELETING CHAPTER 58,  
DANGEROUS AND VICIOUS ANIMALS.**

BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF GRIMES, IOWA

SECTION 1. Purpose. The purpose of this Ordinance is to amend the Grimes Code of Ordinance Chapter 57 to add more specific language for the classification of and consequences for vicious dogs as well as deleting Chapter 58 to eliminate Dangerous and Vicious Animals.

SECTION 2. Amendment. This chapter shall read as follows

CHAPTER 57 and Chapter 58 are referenced below and will be deleted in their entirety and replaced with Chapter 57.

~~CHAPTER 57~~

~~VICIOUS DOGS~~

~~57.01 Definitions~~ ~~57.05 Unlicensed Vicious Dogs~~  
~~57.02 Certificate of Insurance~~ ~~57.06 Seizure, Impoundment~~  
~~and~~  
~~57.03 Confinement of Vicious Dogs~~ ~~Disposition of Vicious~~  
~~Dogs~~  
~~57.04 Vicious Dogs at Large~~

~~57.01 DEFINITIONS.~~ The following terms are defined for use in this chapter:

~~1. "Humane Officer" means any employee of the City so designated by the Mayor.~~

~~2. "Vicious dog" means:~~

~~A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;~~

~~B. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;~~

~~C. Any dog that snaps and bites;~~

~~D. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;~~

~~E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of a police department, a law enforcement agency of the State or the United States or a branch of the armed forces of the United States;~~

~~F. Staffordshire Terrier breed of dogs;~~

~~G. American Pit Bull Terrier breed of dogs;~~

~~H. American Staffordshire Terrier breed of dogs;~~

~~I. 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~~

~~J. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any or these breeds.~~

~~57.02 CERTIFICATE OF INSURANCE. An application to license a vicious dog must include, in addition to the information required in Chapter 56 of the Code of Ordinances, a certificate of insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$50,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event the underlying policy of insurance is canceled for any reason. The cancellation or other termination of any insurance policy presented to comply with this section shall automatically revoke and terminate the license issued under Chapter 56 unless another certificate complying with this section is provided showing insurance in effect at the time of such cancellation or termination.~~

~~57.03 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided below.~~

~~Such pen, kennel or structure must have secure sides and secure to attached to the sides or in lieu of a top, walls at least six (6) feet in height and at least six (6) feet taller than any internal structure. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person 18 years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.~~

~~57.04 VICIOUS DOGS AT LARGE. A vicious dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.~~

~~57.05 UNLICENSED VICIOUS DOGS. All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the City; however, if the animal is again found unlicensed in the City or if the person holding or keeping the animal chooses not to remove it from the City, then the dog shall be destroyed. This section does not apply to a dog whose owner, upon receipt of initial notice, agrees to properly license and confine the dog or to a dog for which a hearing has been requested under this chapter to determine if it is vicious until there has been a final decision on the question raised at the hearing, at which time the owner may, if the dog is found vicious, properly license and confine the dog.~~

~~57.06 SEIZURE, IMPOUNDMENT AND DISPOSTION OF VICIOUS DOGS:~~

- ~~1. The Humane Officer or designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog, as defined herein, may initiate proceedings to declare such dog a vicious dog. If the owner contests said designation, a hearing on the matter shall be conducted by the Humane Officer or designee. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours'~~

~~written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to license and confine the dog as required by this chapter. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.~~

~~2. If, after hearing, the Humane Officer or designee determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the Humane Officer or designee shall order the person owning, sheltering, or harboring or keeping the animal to license and confine the dog as required by this Code of Ordinances, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the Humane Officer or designee is authorized to seize and impound the dog. A dog 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 order of the Humane Officer or designee was issued has not appealed such order to the Council, or has not complied with the order, the Humane Officer or designee shall cause the dog to be destroyed.~~

~~3. The order to license, confine or remove a vicious dog from the City issued by the Humane Officer or designee may be appealed to the Council. In order to appeal such order, written notice of appeal shall constitute a waiver of right to appeal the order to the Humane Officer or designee.~~

~~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 twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Humane Officer or designee. 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. The hearing shall be confined to the record made before the Humane Officer or designee and the arguments of the parties or their representatives, but no additional evidence shall be taken.~~

~~5. if the Council affirms the action of the Humane Officer or designee, the Council shall order in its written decision that the person owning,~~

~~sheltering, harboring or keeping such vicious dog, shall license and confine said dog or remove such dog from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (1) of this section. If the original order of the Humane Officer or designee 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 Humane Officer or designee is authorized to seize and impound such vicious dog. A dog 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 Humane Officer or designee or the Council was issued has not petitioned the Polk County District Court for a review of said order, or has not complied with the order, the Humane Officer or designee shall cause the dog to be destroyed in a humane manner.~~

~~6. Failure to comply with an order of the Humane Officer or designee issued pursuant hereto and not appealed, or of the Council after appeal, is a misdemeanor.~~

~~7. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter 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 dog is determined to be vicious. If the dog is not determined to be vicious, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.~~

## CHAPTER 58

### DANGEROUS AND VICIOUS ANIMALS

~~58.01 Definitions 58.04 Keeping of Vicious Animals  
58.02 Keeping of Dangerous Animals Prohibited  
Prohibited 58.05 Seizure, Impoundment and  
58.03 Seizure, Impoundment and Disposition of Vicious Animals  
Disposition of Dangerous Animals~~

~~58.01 DEFINITIONS. For use in this chapter, the following terms are defined:~~

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 Council or its designee; and (c) the following animals, which are deemed to be dangerous animals per se:~~

~~—— A. Wolves and coyotes;~~

~~—— B. Badgers, wolverines, weasels, mink and other Mustelids (except  
—— ferrets);~~

~~—— C. Bears;~~

~~—— D. All apes (including chimpanzees), baboons and macaques;~~

~~—— E. Monkeys, except the squirrel monkey;~~

~~—— F. Elephants;~~

~~—— G. Wild boar;~~

~~—— H. Black widow spiders and scorpions;~~

~~I. —— Snakes that are naturally venomous or poisonous;~~

~~J. All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)~~

~~K. Raccoons, opossums and skunks;~~

~~L. Alligators and crocodiles;~~

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 twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; (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 two~~

~~separate occasions within a twelve-month period; or (c) has been found to possess such a propensity by the Council after hearing.~~

~~**58.02 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 circumstances contained in this section. While the following animals are not declared by this chapter to be dangerous per se, the owners of (a) constricting snakes exceeding six feet in length and (b) lizards exceeding two feet in length shall, within two hours of knowledge of the possibility of such an animal being at large within the City, so notify the City Clerk. The prohibition contained in this section does not apply to 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.~~

~~**58.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.**~~

- ~~1. In the event that a 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 Humane Officer or the County Sheriff, 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 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 on premises in the City, the Humane 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 animal in the City, the Humane 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 58.02 of this chapter to possess dangerous 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, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Humane 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.~~

~~58.04 KEEPING OF VICIOUS ANIMALS PROHITED. 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 58.05. 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 Sheriff that a guard dog is on duty at said premises.~~

~~58.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS:~~

~~1. The Humane Officer or designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall state that if the animal is~~

~~determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept the service.~~

~~2. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the Humane Officer is authorized to seize and impound the 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 order of the Council was issued has not petitioned the District Court for a review of such order, the Humane Officer shall cause the animal to be destroyed.~~

~~3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.~~

~~4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely be apprehended, in which case the Humane Officer may immediately destroy it or unless its ownership is not ascertained, in which case the Humane Officer may destroy it after three (3) days' impoundment.~~

~~5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter 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 vicious. If the animal is not determined to be vicious, such impoundment or quarantine shall be paid by the City.~~

## **CHAPTER 57**

### **ORDINANCE REGULATING POTENTIALLY DANGEROUS ANIMALS, DANGEROUS ANIMALS, VICIOUS ANIMALS AND DANGEROUS WILD ANIMALS**

- 5.1 Construction of Terms
- 5.2 Definitions
- 5.3 Keeping of Dangerous Wild Animals Prohibited
- 5.4 Keeping of Vicious Animals Prohibited
- 5.5 Determination of Potentially Dangerous Animal
- 5.6 Determination of Dangerous Animal

- 5.7 Determination of Vicious Animal
- 5.8 Potentially Dangerous and Dangerous Animal Registration Requirements
- 5.9 Keeping of a Registered Potentially Dangerous or Dangerous Animal
- 5.10 Penalties
- 5.11 Costs
- 5.12 Severability Clause
- 5.13 Regulations and Forms

## **5.1 CONSTRUCTION OF TERMS.**

1. Meaning of certain words: Words used in the singular include the plural and plural the singular, the masculine gender includes the feminine and the feminine the masculine.
2. Computing time - legal holidays: In computing time, the first day shall be excluded and the last included. Unless otherwise indicated, the following days shall be excluded for purposes of computing time: Saturdays, Sundays, the first day of January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the fourth Thursday of November, the fourth Friday in November, the twenty-fifth day of December, and any other day on which the offices of the City of Grimes government are closed.
3. Conflicts with state and/or federal regulatory schemes: If it is determined by the city attorney that enforcement of any provision of this ordinance would be inconsistent with requirements of federal and/or state law, enforcement of said provision(s) shall be suspended as necessary to avoid the inconsistency. If the city attorney makes such a suspension determination he shall report it to the Administrator along with any recommendations in regard to any necessary corrective legislation.

## **5.2 DEFINITIONS.**

1. "Animal" means every wild, feral, tame or domestic member of the kingdom animalia (animal kingdom) other than the genus or species homo sapiens (human beings).
2. "Domestic Animal" means any of various animals that have been tamed and made fit for a human companionship, excluding animals commonly used as agricultural stock.
3. "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:
  - a. Without provocation causes an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
  - b. Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance 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, causing injury or otherwise threatening the safety of humans or domestic animals;

- c. Without provocation acts in a highly aggressive manner within a fenced yard or enclosure and appears, to a reasonable adult, able to jump over or escape;
4. "Dangerous animal" means any animal that:
  - a. Without provocation causes a serious injury to a person or domestic animal; or
  - b. Has been designated as a potentially dangerous animal and engages in behavior that poses a threat to public safety as described in Section 5.2(3) or serious injury as defined in Section 5.2(16).
5. "Vicious animal" means any live animal, not a dangerous animal as defined above:
  - a. that has unprovoked, bitten or attacked a person while running at large; or
  - b. that has without reference to provocation or location (i.e. at large or otherwise):
    - 1) bitten or attacked a person on two separate occasions within a twenty-four (24) month period; or
    - 2) bitten or attacked a person above the shoulders on any one occasion; or
    - 3) bitten three (3) times in a lifetime; or
    - 4) bitten or attacked a person, on any one occasion, despite the owner's attempt to restrain or control the animal. With respect to 5.2(5)(b)(1), (b)(2) and (b)(3) above, if the person attacked or bitten was engaged in an unlawful act prior to the bite or attack, said incident shall not serve as a basis for declaring the offending animal a vicious animal.
6. "Dangerous Wild animal" means any genus/species of animal set forth in the most current version of the Iowa Code Chapter 717F
7. "Animal control officer" means the officers and employees of the Grimes Public Works Department whose job it is to enforce this ordinance by the authority in a 28E Agreement with Polk County.
8. "At-large" refers to an animal's presence outside of a structure of fixed enclosure.
9. "City Council" refers to the Grimes City Council.
10. "Director or his designee" means the City Administrator or a person designated, either specifically or generally, by virtue of his/her job responsibilities, to act in the Administrator's behalf.

11. "Euthanize" means to kill in a humane manner.
12. "Dog" shall mean any domesticated species of the order Carnivora and the family Canidae.
13. "Owner" means any person, firm, association, corporation, partnership, or organization or agency of any type owning, possessing, keeping, sheltering, having an interest in, having control or custody or harboring an animal.
14. "Person" means any individual, firm, association, corporation, partnership, or organization or agency of any type including any officer, employee or agent thereof.
15. "Public Works Department" refers to the City of Grimes department bearing said title.
16. "Serious injury" means any illness, disease or bodily injury which creates a substantial risk of death or which results in a major bone fracture, muscle tears, disfiguring lacerations, protracted loss or impairment of the function of any bodily member or organ or requires multiple sutures or corrective surgery or cosmetic surgery.
17. "Unprovoked" as used herein refers to an attack or bite not the result of behavior, on the victim's part, intended to irritate the animal.
18. "Provocation" means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was willfully trespassing upon the premise occupied by the owner of the dog, or the person was tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.
19. "Impound" means to take a potentially dangerous animal or dangerous animal into custody by the Animal Control Authority or the organization authorized to enforce the potentially dangerous dog and dangerous dog ordinance of this jurisdiction.
20. "Proper enclosure" of potentially dangerous and dangerous animals requires:
  - a. Potentially dangerous and dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section or caged for transportation. Also, when a dangerous animal is not securely confined or caged for transportation, a muzzle shall be placed on the animal.
  - b. A pen or kennel must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any adjacent structure. A pen or kennel must have a secure bottom, floor or foundation attached to the sides of the pen or kennel, or the sides of the pen or kennel must be embedded in the

ground no less than two feet so as to prevent digging under the sides of the pen or kennel by the confined potentially dangerous animal or dangerous animal; and

- c. All pens, kennels or structures erected to house a potentially dangerous animal or dangerous animal must comply with all zoning and building regulations in their jurisdictions. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
  - d. All pens or kennels designed, constructed or used to confine potentially dangerous and dangerous animals must be locked with a key or combination lock when such animals are within the structure.
  - e. No potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the potentially dangerous or dangerous animal to exit such building on its own volition.
  - f. No potentially dangerous animal or dangerous animal may be tied or leashed to an inanimate objects such as trees, posts, buildings or any other object or structure.
21. "Proper leashing" of potentially dangerous animals and dangerous animals requires:
- a. Potentially dangerous animals and dangerous animals shall not be permitted to go outside a property enclosure as defined in Section 5.2(20) unless secured on a leash no longer than six (6) feet in length that is under the actual physical control of a person eighteen (18) years of age or older. Also, when a dangerous animal is not securely confined or caged for transportation, a muzzle shall be placed on the animal.

### **5.3 KEEPING OF DANGEROUS WILD ANIMALS PROHIBITED.**

No person shall own, keep, shelter, or harbor for any reason in Grimes, Iowa, a dangerous wild animal, as defined herein, except as provided in, and in accordance with, the most current version of the Iowa Code Chapter 717F.

### **5.4 KEEPING OF VICIOUS ANIMALS PROHIBITED.**

No person shall own, keep, shelter or harbor for any reason in Grimes, Iowa, a vicious animal, as defined herein.

### **5.5 DETERMINATION OF A POTENTIALLY DANGEROUS ANIMAL**

1. The animal control officer authorized to enforce this ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is

keeping, sheltering, or harboring a potentially dangerous animal as defined herein, may, in his/her discretion, declare such animal potentially dangerous based on the factors listed in 5.2(3) and will notify the owner of the animal in writing by certified mail or personal service or posting in a conspicuous place at the last known residence of the owner of the animal.

2. Upon notice, the owner of the animal declared potentially dangerous may within three (3) business days file a written basis appeal with the City of Grimes seeking review of the declaration. However, during an appeal the owner of the animal shall properly confine and leash the animal and provide proof of liability insurance in accordance with the potentially dangerous animal ordinance.
3. If a written appeal is filed, the owner of the animal declared potentially dangerous will be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the date, time and location of the hearing before the City Council.
4. Following notice to the owner of the animal, if the Animal Control Officer authorized to enforce the ordinance of this jurisdiction has reasonable cause to believe that an animal is a potentially dangerous animal and may pose a threat to public safety or the owner has not provided proof of liability insurance, the animal will be impounded, pending disposition of an appeal or until the animal owner has fulfilled the requirements of a potentially dangerous animal declaration. However, if after thirty (30) days from the date of notice the owner of the animal has not completed the requirements the animal shall be impounded and may be destroyed in a humane manner.
5. Any animal that is under impoundment or quarantine at the animal shelter and is declared a potentially dangerous animal will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of 5.8.
6. The owner of the animal shall be liable to this jurisdiction for the costs of impounding and keeping of the animal.

## **5.6 DETERMINATION OF A DANGEROUS ANIMAL**

1. The animal control officer authorized to enforce the ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering, or harboring a dangerous animal as defined herein, may, in his/her discretion, declare such animal dangerous based on the factors listed in 5.2(4) and will notify the owner of the animal in writing by certified mail or personal service or posting in a conspicuous place at the last known residence of the owner of the animal.
2. Upon notice, the owner of the animal declared dangerous may within three (3) business days file a written basis appeal with the City of Grimes seeking review of the declaration. However, during an appeal the owner of the animal

shall properly confine or properly leash the animal and provide proof of liability insurance in accordance with the dangerous animal ordinance.

3. If a written appeal is filed the owner of the animal declared dangerous will be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the date, time and location of the hearing of the City Council.
4. Following notice to the owner of the animal, if the Animal Control Officer authorized to enforce this ordinance has reasonable cause to believe that an animal is a dangerous animal and may pose a threat to public safety or the owner has not provided proof of liability insurance, the animal will be impounded, pending disposition of an appeal or until the animal owner has fulfilled the requirements of a dangerous animal declaration. However, if after thirty (30) days from the date of notice the owner of the animal has not completed the requirements the animal shall be impounded and may be destroyed in a humane manner.
5. Any animal that is under impoundment or quarantine at the animal shelter and is declared a dangerous animal will not be returned to the owner pending disposition of an appeal or until the owner completes all of the requirements of 5.8(1) and 5.8(2) and 5.9.
6. The owner of the animal shall be liable to this jurisdiction for the costs of impounding and keeping the animal if the animal is determined to be a dangerous animal.

## **5.7 DETERMINATION OF A VICIOUS ANIMAL**

1. The animal control officer authorized to enforce this ordinance, on his/her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering, or harboring a vicious animal as defined herein, may, in his/her discretion, initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the director or his designee. The owner of the animal in question shall be given not less than 72 hours (including Saturdays, Sundays and holidays) written notice of the time and place of said hearing, if the owner's name and current address can be reasonably determined by accessing a tag or other device that is on or a part of the animal. Said notice shall order the owner to secure the animal in a structure of fixed enclosure at all times. The notice shall set forth the description of the animal in question and the basis for the allegation of viciousness and shall also notify the owner that should the animal be determined to be vicious, the owner will be required to euthanize it or allow the City of Grimes to do so. The notice shall be personally served upon the owner of the animal.
2. City Administrators Order. If, after hearing, the director or his designee determines the animal to be a vicious animal, he/she shall order the owner to cause the animal to be euthanized or to allow the City of Grimes to do so. The Order shall be served upon the owner against whom it is issued in the same

manner as the notice of hearing. The director or his designee shall propose policies and procedures governing the above-mentioned proceedings, and shall submit them for approval in the manner provided for in Section 5.13, hereof. Said policies and procedures shall also provide for the appeal of the director's or his designee's decision.

3. Upon notice, the owner of the animal declared vicious may within three (3) business days file a written basis appeal in this jurisdiction seeking review of the determination. However, during an appeal the owner of the animal shall properly confine the animal in a structure of fixed enclosure at all times and show proof of liability insurance in accordance with potentially dangerous, dangerous and vicious animal ordinance.
4. Notice of Intended Action: Failure to comply. If the order is not complied with within three (3) days of its service upon the owner, and is not appealed, the animal control officer is authorized to seize and euthanize the animal. The above mentioned Notice of Intended Action upon a failure to comply shall be contained in the City Administrator's Order.
5. Declaration of Potentially Dangerous or Dangerous. If, after hearing with the City Council, it has been determined that the animal properly falls within the category "vicious animal" as defined in Section 5.2(5), and if in the director's or his designee's discretion, it appears that the animal does not pose a significant threat to the safety of the public, the director or his designee may declare the animal potentially dangerous or dangerous. The reasons for the declaration of potentially dangerous or dangerous shall be committed to writing and delivered to the animal's owner by the director or his designee.
6. Emergencies. The notice required by Section 5.7(1) shall not be required where such vicious animal has previously caused serious injury or death to any person, in which case the animal control officer shall cause the animal, a per se nuisance, to be immediately euthanized. In the event a 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 person or property, such animal, a per se nuisance, may, in the discretion of the animal control officer, be seized and impounded, or euthanized if said seizure and impoundment is not possible or would expose any person to the risk of serious injury. The City of Grimes shall be under no duty to attempt the seizure of a vicious animal at large, prior to euthanizing it, nor shall it have the duty to notify the owner of such animal prior to euthanizing it, or seizing and impounding it.
7. Notice of Action Taken: When pursuant to Section 5.7(6) an animal is euthanized without prior notice to the owner, the animal control officer shall within seven (7) days thereafter, deliver to the animal's owner, either in person or by regular mail, a written notice of the action taken and the reason(s) therefore if the owner's name and current address can be reasonably determined by accessing a tag or other device that is on or a part of the animal.

When pursuant to Section 5.7(6), an animal is impounded without prior notice to the owner; the animal control officer shall thereafter initiate proceedings to have the animal declared a vicious animal in the manner provided for in paragraph 1 of this section. Thereafter the procedures contained in paragraphs 1 - 5, inclusive, where applicable, shall apply.

## **5.8 POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL REGISTRATION REQUIREMENTS**

### **1) Potentially Dangerous Animals**

- A) The animal control officer authorized to enforce this ordinance may issue a certificate or of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Animal Control Authority that:
- 1) The owner of the potentially dangerous animal is 18 years of age or older
  - 2) The owner of the potentially dangerous animal presents a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance as in homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such potentially dangerous animal. The certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current home owner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to thirty (30) days subsequent to the determination that a animal is potentially dangerous; however, if after thirty (30) days a certificate of insurance or a policy has not been submitted or the insurance coverage is cancelled, the animal shall be deemed unregistered or unlicensed and subject to immediate impoundment;
  - 3) The potentially dangerous animal has a current rabies vaccination at the owner's expense;
  - 4) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous animal as described in 5.2(20)
  - 5) The potentially dangerous animal has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the Animal Control Authority authorized to enforce the dangerous animal, dangerous animal and vicious animal ordinance of the jurisdiction;

- 6) The potentially dangerous animal has been photographed for identification purposes; and
- 7) The potentially dangerous animal owner shall satisfactorily complete a pet safety course pre-approved by the Animal Control Director or his/her designee at the dog owner's expense.

## 2) Dangerous Animals

- A) The animal control officer authorized to enforce this ordinance may issue a certificate of registration to the owner of a dangerous animal if the owner, in addition to satisfying the requirements for registration of a potentially dangerous animal pursuant to paragraph 1 of this section, establishes to the satisfaction of the Animal Control Authority that:
  - a. The owner will maintain the dangerous animal exclusively on the owner's property except for medical treatment or examination; and
  - b. The owner of the dangerous animal has posted on the premises a clearly visible written warning sign that there is a dangerous animal on the property with a conspicuous warning symbol that informs children of the presence of a dangerous animal. The sign shall be very visible from the public roadway or 50 feet, whichever is less.
  - c. The dangerous animal has been spayed or neutered at the owner's expense;
- 3) If any animal previously determined to be a potentially dangerous animal has not exhibited any of the behaviors specified in 5.2(3) within twelve (12) months since the date of the potentially dangerous animal determination, then that animal is eligible for a review of the determination with the potential for lifting the requirements of this section; provided, however, then that same animal may again be declared a dangerous or potentially dangerous animal if it again exhibits any of the specified behaviors. Such a review shall be completed by the City Administrator or his/her designee.

## **5.9 Keeping of a Registered Potentially Dangerous or Dangerous Animal**

- 1) If the Animal Control Officer authorized to enforce this ordinance declares that an animal is a potentially dangerous animal, the owner of the animal shall comply with the provisions of 5.2(20) (21) and 5.9(1).
  - A) The owner of a potentially dangerous animal shall:

- 1) Not keep an animal without a valid registration issued under 5.9.
  - 2) Keep the animal in a proper enclosure unless the animal is properly leashed as defined in 5.2.
  - 3) Not permit an animal to be tied or leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
  - 4) Notify law enforcement, the Animal Control Officer immediately in person or by telephone upon escape if an animal is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
  - 5) Notify within three (3) business days the animal control officer authorized to enforce the ordinance of this jurisdiction of a change of address or telephone number of the owner of the animal.
  - 6) Notify within three (3) business days the animal control officer authorized to enforce the ordinance of this jurisdiction if the animal has died and the whereabouts of the dead animal.
  - 7) Notify within one (1) business day the animal control officer authorized to enforce the ordinance of this jurisdiction with the name, address and telephone number of a new owner of the animal if the animal has been sold or given away.
  - 8) Surrender an animal to the animal control officer authorized to enforce the ordinance of this jurisdiction for impoundment and confinement, pending a disposition of the case when there is a reason to believe that the animal may pose a threat to public safety.
- 2) If the Animal Control Officer authorized to enforce the ordinance of this jurisdiction declares that a animal is a dangerous animal, the owner of the animal shall comply with the provisions of 5.2(20)(21) 5.8 and 5.9(1)and;
- A) The owner of a dangerous animal shall:
- 1) Maintain a dangerous animal exclusively on the owner's property as required except for medical treatment or examination, or permitting a dangerous animal to be outside of proper confinement without being properly leashed and muzzled or caged for transportation. When removed from the owner's property for medical treatment or examination, the dangerous animal shall be caged or under the control of a responsible person as defined in 5.2, muzzled and restrained with a substantial lead not exceeding six (6) feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or obscure its vision or interfere with its respiration but shall prevent it from biting any human being or animal.

## **5.10 PENALTIES**

1) General

- A) If after the notice of declaration, a potentially dangerous animal or a dangerous animal is found improperly confined or leashed more than once, the animal will be impounded and may be destroyed in a humane manner.
- B) If after the notice of declaration, the liability insurance on a potentially dangerous animal or dangerous animal is found to be invalid more than twice, the animal will be impounded and may be destroyed in a humane manner.

2) CIVIL: An owner's failure to comply with the provisions of section 5.8 or section 5.9 constitutes a municipal infraction of the City of Grimes ordinance. A municipal infraction shall subject the owner to a civil penalty as set forth in Grimes Code of Ordinances Chapter 4,

- A) The City Administrator or his/her designee shall be authorized to issue **Citations**, demanding the appropriate civil penalty, for violating the ordinance; as set forth in City of Grimes Code of Ordinances or any other ordinance or state or City code provision authorizing city employees to issue citations for violations of Grimes ordinances and regulations.

- B) Each additional day of neglect or failure to comply with such City Ordinance or lawful order, after notice of violation, shall constitute a separate offense. The City of Grimes may seek injunctive relief from the courts to prohibit further infractions. Penalties sought under this section in no way preclude other government organizations from taking additional legal action under this or other State, Federal or Local Regulations.

- 1) Previous Enforcement. Nothing in this Ordinance prohibits, suspends or modifies the continuation of any enforcement action commenced prior to the effective date of this Ordinance or any amendment hereof, which may continue in accordance with the law or regulation under which such action was originally commenced.

- 2) Remedies Cumulative. All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.

- 3) Cost Recovery. Costs to the City of Grimes incurred in the enforcement of this ordinance may be recovered by an assessment placed against real estate owned by the responsible party and collected in the same manner as property tax, or may be collected as a personal judgment, or by utilizing both procedures until such costs have been paid in full.

3) CRIMINAL: A violation of section 5.8 or section 5.9 of this ordinance constitutes a simple misdemeanor punishable by a fine of at least sixty-five dollars but not to exceed six hundred twenty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine. Surcharges required by Iowa Code Chapter 911.1 and 911.4 shall be added to a fine imposed on a

misdemeanant as provided in those sections, and are not a part of or subject to the maximums set in this section.

- 4) Unless specifically provided otherwise herein or by law, the provisions of this ordinance shall be carried out and enforced by the City Administrator or his/her designee.

#### **5.11 COSTS**

1. Any animal which is alleged to be potentially dangerous, dangerous or vicious and which is under impoundment or quarantine at the animal shelter 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 or compliance with all requirements of this ordinance. Costs incurred by the City of Grimes for the care, maintenance, transportation and euthanizing of an animal owned, kept, sheltered or harbored in violation of this ordinance hereof shall be reimbursed to the City of Grimes by the owner whether or not the animal is reclaimed.

#### **5.12 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 hereof not adjudged invalid or unconstitutional.

#### **5.13 REGULATIONS AND FORMS.**

The City Administrator shall have the power to create policies and procedures, including forms not inconsistent with the law, as may be necessary for the implementation and enforcement of this ordinance.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of these ordinances are hereby repealed.

SECTION 4. 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 5. Effective date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed/failed by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_ and approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Thomas M. Armstrong,  
Mayor

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Rochelle Williams, City Clerk