

ORDINANCE NO. 2018-01

AN ORDINANCE ADDING CHAPTER 57, REGARDING DANGEROUS ANIMALS, TO THE HILLS CODE OF ORDINANCES AND AMENDING PROVISIONS RELATED TO IMPOUNDING STRAY ANIMALS

Be it enacted by the City Council of the City of Hills, Iowa:

SECTION 1. NEW CHAPTER. The following Chapter 57, titled Dangerous Animals, is hereby adopted and added to the City of Hills Code of Ordinances:

“57.01 DEFINITION. For use in this chapter, the term "dangerous animal" means any animal 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 (2) separate occasions within a twelve-month (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 two (2) separate occasions within a twelve-month (12-month) period.

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor, for any reason, within the City a dangerous 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 dangerous 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.

57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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 Mayor or peace 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 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 Mayor 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 Mayor shall order the person named in the complaint to safely remove such animal from the City within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove 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 animal has previously caused serious physical harm or death to any person, in which case the 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 issued by the Mayor 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 animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

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 notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. 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, 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. The decision and order shall immediately be served upon the person against whom it is rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days, or if the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound, or destroy such dangerous animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.”

SECTION 2. AMENDMENT. Section 55.13 of the Hills Code of Ordinances is hereby repealed and replaced with the following:

“55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City. In addition or in the alternative, at the discretion of a peace officer or other person authorized to enforce the City Code, the owner may be served a summons to appear before a proper court to answer charges or claims made thereunder. The owner

of an impounded animal shall be responsible for the costs of such impoundment, regardless of whether or not such owner claims the animal from impoundment.”

SECTION 3. AMENDMENT. Section 55.14 of the Hills Code of Ordinances is hereby repealed and replaced with the following:

“**55.14 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner’s name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs as established by the impounding facilities, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia. If the animal has been deemed dangerous under Chapter 57, the animal shall not be returned to the City of Hills.

(Code of Iowa, Sec. 351.37, 351.41)”

SECTION 4. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. 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 6. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its passage and publication according to the laws of the State of Iowa.

First reading on the 12th day of February, 2018.

Second reading on the 26th day of February, 2018.

Waived Third and final reading on the 26th day of February, 2018.



TIM KEMP, MAYOR

ATTEST:



CATHY FITZMAURICE-HILL
CITY ADMINISTRATOR/CLERK

Drafted and approved as to form and substance by City Attorney: