

CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

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CHAPTER 56

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

1. “Dangerous Animal” means:

(a) any animal which is not naturally tamed 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; or

(b) any animal declared to be dangerous by the Council; or

(c) any nondomesticated member of the order carnivore which as an adult exceeds the weight of 20 pounds; or

(d) any of the following animals which shall be deemed to be dangerous animals, per se: lions, tigers, jaguars, leopards, cougars, lynx, bobcats, wolves, coyotes, foxes, badgers, wolverines, weasels, skunks, mink; raccoons, bears, monkeys and chimpanzees, bats, alligators, crocodiles and caimans, scorpions, snakes and reptiles that are venomous, snakes that are constrictors over six feet in length, gila monsters, opossums, apes, baboons and macaques, and piranhas.

2. “Vicious Animal” means:

(a) Any animal, except for a dangerous animal per se that has bitten or clawed a person or persons and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal has bitten or clawed a person or persons; or could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or has attacked any domestic animal or fowl on one or more occasions without provocation; or

(b) any animal with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or otherwise to endanger their safety; or

(c) Any animal with a history, tendency, or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

(d) Any animal that snaps, bites, or manifests a disposition to snap or bite;

(e) Any animal that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;

(f) Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of a law enforcement agency.

56.02 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 following circumstances:

1. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
2. 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.

56.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any reason within the City a vicious animal.

56.04 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 Mayor or responding Officer, be immediately 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 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 or vicious animal in the City, the Mayor 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 to possess dangerous or vicious animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a Notice to Remove Dangerous or Vicious Animal, which notice 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 to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused physical harm or death to any person, in which case the Mayor or responding Officer shall cause the animal to be immediately destroyed 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 or vicious 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 the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of the 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 City 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 or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals 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 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 cause the seizure, impoundment, or destruction of such dangerous or vicious animal, which may be carried out by the Panora Police Department or any other law enforcement agency having jurisdiction within the city. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, shall constitute a simple misdemeanor.

6. Any animal which is under impoundment 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 shall be paid by the owner if the animal is determined to be vicious or dangerous. If the animal is not determined to be vicious or dangerous, the costs of impoundment shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required impoundment which shall be paid by the owner.

56.05. EXCEPTIONS. Under special circumstances, exceptions may be made at a hearing of the City Council to allow any of the aforementioned animals to remain within the City. These exceptions will be made on a case by case basis and will not set the precedence for future exceptions. Decisions to allow a dangerous or vicious animal to remain in the City can be reversed at any time through a council decision.