

4.20.120 Keeping Of Vicious Animals Prohibited - Proceedings To Determine - Seizure And/Or Destruction Authorized

- A. No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in CBMC 4.20.130.
- B. The administrative authority or the administrative authority's designee may designate any animal to be a vicious animal under any of the following circumstances:
 - 1. Any animal which has attacked or bitten any person without provocation on two occasions;
 - 2. An animal which has attacked and caused significant or catastrophic injury, or death, to any person;
 - 3. Any animal that has been found to be dangerous under Chapter 4 of the Code that, after the owner has received notice or personal knowledge of the animal's dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or found to be at large;
- C. This decision may, however, be appealed to the board of review, by presenting a written notice of appeal to the administrative authority within ten (10) days after receiving written notice of said decision. If the decision of the board of review is appealed to the District Court of Iowa, an appeal bond in an amount set forth in the current schedule of fees shall be paid to and held by the animal shelter pending the outcome of the appeal.
- C. The administrative authority, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal may, when said animal does not meet the criteria set out in paragraph B of this section, initiate proceedings to declare such animal a vicious animal as defined in CBMC 4.20.020 Paragraph Y. Said proceeding shall be conducted by the board of review. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than twenty-four (24) hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question, and the basis for the allegation of viciousness, and shall also indicate that if the animal is determined to be vicious, the owner shall have three days to have the animal destroyed and present proof thereof. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.
- D. If an animal meets the criteria set forth in paragraph B above or, if after hearing, the board determines that an animal is vicious, the administrative authority shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the administrative authority shall cause the animal to be destroyed.
- E. Failure to comply with an order issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of CBMC 8.02.020.
- F. Every order issued pursuant to the provisions of this section shall include a copy of CBMC 4.20.120.
- G. 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 safely be apprehended, in which case the administrative authority shall immediately destroy it, or

unless its ownership is not ascertainable, in which case the administrative authority shall destroy it after three days impoundment.

H. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter or a veterinary facility 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.

I. All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the animal is determined to be vicious.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)