

ORDINANCE NO. 377

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF WYOMING, IOWA, 2002 BY ADDING CHAPTER 55B ENTITLED “DANGEROUS AND VICIOUS DOGS”

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WYOMING, IOWA:

SECTION 1. NEW CHAPTER. The Code of Ordinances for the City of Wyoming, Iowa, 2001, is amended by adding a new Chapter 55B thereto entitled “Dangerous and Vicious Dogs”. Chapter 55B shall read as follows:

CHAPTER 55B
DANGEROUS AND VICIOUS DOGS

- 55B.01. PURPOSE.** The purpose of this chapter is for the classification of and consequences for vicious dogs.
- 55B.02. VICIOUS DOGS.** Notwithstanding any other provision of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal within the City except as provided in this chapter of the Code.
- 55B.03. DEFINITIONS.** For purposes of this chapter a “vicious” dog means:
1. Any dog that bites or attacks a person causing bodily injury as defined by Iowa Code §702.18 or severely injures or kills another domestic animal, without provocation; or
 2. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 3. Any dog that snaps, bites, or manifests a disposition to snap or bite at persons or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
 4. Any dog that, while off the real property of the owner, when unprovoked, has attacked or bitten any domestic animal; or
 5. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or
 6. 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 the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States; or

7. The Bull Terrier breed of dog; or
8. The American Pit Bull Terrier breed of dog; or
9. The Staffordshire Terrier breed of dog; or
10. The American Staffordshire Terrier breed of dog; or
11. The Rottweiler breed of dog; or
12. Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, American Pit Bull Terrier, Staffordshire Terrier, American Staffordshire Terrier, Rottweiler, or any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

55B.04. VICIOUS ANIMAL EXCEPTIONS. The owner of any dog defined as a vicious dog shall comply with the following:

1. The owner of any vicious dog must provide proof to the City Clerk of public liability insurance with a minimum of one million dollars for the injury or death of any person, for damage to property of others, and for acts of negligence by the owner or the owner's agents, in the keeping or owning of such vicious dog. 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. Failure to provide a certificate of insurance after thirty days shall be a violation of this section, and the vicious dog shall be subject to removal or shall be humanely destroyed at the expense of the person keeping the vicious dog.

55B.05. CONFINEMENT OF VICIOUS DOGS.

1. All vicious dogs shall be securely confined within an occupied house or residence or in a secured, enclosed and locked pen or structure except when leashed and muzzled as provided hereinafter. Such pen or structure 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 or at least six feet taller than an internal structure, such as a doghouse.
2. All pens or 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 or floor, attached to the sides of the pen, or the sides of the pen must be embedded

in the ground no less than two feet so as to prevent digging under the walls by the confined vicious dog.

3. All structures erected to house vicious dogs must comply with the City zoning and building regulations. All such 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.
4. No person shall permit a vicious dog to go outside its pen or structure 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 pen or structure unless both the dog and leash are under the actual physical control of a person eighteen (18) years of age or older. All vicious dogs on a leash outside the animal's kennel, pen or indoor confinement must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.
5. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.
6. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.

55A.06. SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS. Unconfined vicious dogs may be seized and impounded in accordance with the following:

1. The Sheriff, a Sheriff's Deputy, or any animal control officer designated by the Council, upon receipt of a complaint alleging that a dog is a vicious dog as defined in this chapter and is unconfined, may immediately take said dog into custody or impoundment using such means that will protect the general public, the police officer and the dog.
2. Upon receipt of said complaint and following an investigation, a criminal complaint may be filed by the Sheriff's Department against the person owning, keeping, sheltering, harboring or otherwise maintaining the dog in question. Said notice shall set forth a description of the dog and the basis for the allegation of being unconfined and vicious. The complaint shall be served upon any adult residing at the premises where the animal was located or may be posted on those premises if no adult is present to accept service.
3. Any dog found at large which displays vicious tendencies may be handled as a vicious dog pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Sheriff, Sheriff's Deputy, or animal control officer may immediately destroy the dog, or unless its

ownership is not ascertainable, in which case it may be destroyed after seven (7) days' impoundment.

4. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of any court proceeding. All costs of such impoundment or quarantine shall be paid by the owner of the animal if determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

55A.07. VIOLATIONS AND PENALTIES.

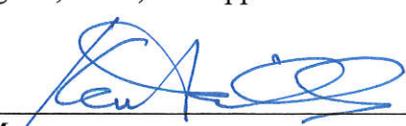
1. Any persons violating or permitting the violation of any provision of this chapter shall, upon conviction, be guilty of a municipal infraction. The Magistrate may order the dog to be removed from the City. Should the defendant refuse to remove the dog from the City, the Magistrate may find the defendant in contempt and order the immediate confiscation (impoundment) of the dog. In addition to the foregoing, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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.

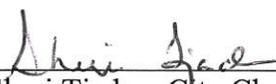
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and posting as provided by law.

Passed by the Council on the 11th day of August , 2014, and approved this 11th day of August 2014.



Mayor

ATTEST:



Sheri Tjaden, City Clerk

FIRST READING: 6-9-14

SECOND READING: 7-14-14

THIRD READING: 8-11-14

I certify that the foregoing was published in the Midland Times as Ordinance No. 377 on the 22 day of August, 2014.

A handwritten signature in cursive script, appearing to read "Sheri Tjaden", written over a horizontal dashed line.

Sheri Tjaden, City Clerk