

CHAPTER 57

VICIOUS DOGS

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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;

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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.
