

Ordinance No. 2020-284

AN ORDINANCE AMENDING THE CITY OF KEOTA, IOWA, 2017 MUNICIPAL CODEBOOK OF
ORDINANCES – ANIMAL CONTROL

BE IT ENACTED by the City council of the city of Keota, Iowa:

SECTION 1. Title IV, Chapter 1, Sections 8, 11, and 12 of the City of Keota, Iowa, 2017 Municipal Codebook of Ordinances, is hereby repealed and the following adopted in lieu thereof:

4-1-8 DANGEROUS ANIMALS

1. **Dangerous Animals Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits a dangerous animal except for the following circumstances;
 - a. Animals under the control of a law enforcement or military agency.

2. **Definitions.** A dangerous animal is:
 - a. Any animal which is not naturally tame 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 or breed to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 - i. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;
 - ii. Wolves, coyotes, and foxes;
 - iii. Badgers, raccoons, wolverines, weasels, skunks, and mink;
 - iv. Bears;
 - v. Monkeys, chimpanzees, and apes;
 - vi. Alligators and crocodiles;
 - vii. Scorpions and gila monsters;
 - viii. Snakes that are venomous or constrictors;
 - ix. Any animals declared to be dangerous by the City Council.

3. **Pit Bull Breeds Prohibited.** No person shall keep, shelter, or harbor for any purpose within the City limits, a Pit Bull as defined in this ordinance.
 - a. Pit Bull dogs defined as the following;
 - i. American Pit Bull Terrier
 - ii. American Staffordshire Terrier
 - iii. Staffordshire Bull Terrier
 - iv. Or any dog displaying a majority of the distinguishable physical characteristics as set forth and established as physical characteristics by the American Kennel Club, United Kennel Club for any of the aforementioned breeds.
 - b. The City shall bear the burden of proof to show the dog is a pit bull by clear, convincing, and satisfactory evidence.

4. **Vicious Animal Definition.** A vicious animal means any animal, except for a dangerous or banned animal as listed above, that has attacked, bitten or clawed a person and the attack was unprovoked, or any animal that has exhibited vicious tendencies in the past or present conduct.

5. In the event that a dangerous animal, banned animal, or vicious animal (as defined in this ordinance) 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, at 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, banned, or vicious animal (as defined in this ordinance) found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
6. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous, banned, or vicious animal (as defined in this ordinance) on premises in the City, the Mayor or Peace Officer 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, banned, or vicious animal (as defined in this ordinance) in the City, the Mayor or Peace Officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three days of the receipt of such an order. Such order shall contain the following and be delivered in person or by certified mail:
 - a. A copy of the ordinance;
 - b. A description of ordinance violation;
 - c. Order of compliance;
 - d. Information of procedure of appeal

Such order and notice to remove such animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or Peace Officer 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.

7. The order to remove a dangerous, banned, or vicious animal (as defined in this ordinance) issued by the Mayor or Peace Officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within seven days after receipt of the order contained in the notice to remove the dangerous, banned, or vicious animal (as defined in this ordinance). Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor or Peace Officer.
8. The notice of appeal shall state the ground 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 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 or Peace Officer. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof. If the Council affirms the action of the Mayor or Peace Officer the owner may be responsible for all costs associated with the maintenance of the animal. However, if the Council over turns the action of the Mayor or Peace Officer, the dog will be returned to the owner and no costs shall be assessed against them.
9. If the Council affirms the action of the Mayor or Peace Officer, the Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous, banned, or vicious animal (as defined in this ordinance) remove such animal from the City 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 or Peace Officer is not appealed and is not complied with within three days, or the order of the Council after appeal is not complied with within three days of its issuance, the Mayor or Peace Officer is authorized to seize, impound or destroy such dangerous, banned, or vicious animal (as defined in this ordinance). Failure to comply with an order of the Mayor or Peace Officer issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a misdemeanor offense for each day of failure to comply.

4-1-11 ANIMALS AND FOWL

1. It shall be unlawful for a person to keep within the City limits cattle, horses, swine, sheep, goats, ostriches, emus, rheas, or guinea fowl unless any parcel of land is greater than two and a half (2.5) acres.
2. Animals and small fowl such as pigeons and quail; medium fowl such as pheasants, chickens and ducks; and large fowl such as geese, turkeys, and peafowl which are of such type and nature that State and National Associations exist establishing norms for breeding, confining and rearing shall be allowed, provided that:
 - a. Cages, hutches, coops, cotes, lofts or other confinement shall be at least 35 feet away from any neighboring residence; such enclosures shall be of sufficient size to house the number of fowl permitted.
 - b. The area is maintained free of odors, insects and rodents, and excessive noises such as crowing, cackling, and gobbling, causing no safety or health hazards to the general public or interfering with the enjoyment of life and property by any neighboring resident.
 - c. Animals and fowl included in this subsection shall be fed in the confines of their enclosures; all grains and food shall be stored in rodent proof containers.
 - d. On any parcel of land which is a single lot, such animals shall be limited to five (5) large fowl, ten (10) medium fowl, and twenty (20) small fowl consisting of no more than two species.
 - e. On any parcel of land which is a double lot and smaller than two and a half (2.5) acres, such animals shall be limited to ten (10) large fowl, twenty (20) medium fowl, and thirty (30) small fowl consisting of no more than four species.
 - f. All animals and fowl in this subsection must be permanently fenced and may not be enclosed or fenced in the front yard of a dwelling.
 - g. The young produced by any animals or fowl within this subsection may be maintained with the parent animals for a period of approximately eight weeks but in no case more than ten weeks.
 - h. It shall be unlawful for a person to keep within the City limits more than one (1) rooster of crowing age.
3. Dead Animals
 - a. No person shall place any dead animal in any street, alley or other public place in the City or allow any dead animal which he or she owned or for which he or she had control to remain in any street, alley or other public place or on the premises of any person within the City for more than five hours. If an animals dies in any street, alley or other public place or on the premises of any person within the City, the person who owned or had possession and control of the animal prior to death shall remove or cause to be removed the carcass within five hours from the time the animal dies and shall have the carcass desiccated or cremated.
4. No person shall abandon any animal or fowl within the corporate limits.

5. No owner of any animal or fowl shall allow such animal or fowl to cause damage to or interfere with the property of another.

4-1-12 PENALTIES FOR VIOLATIONS

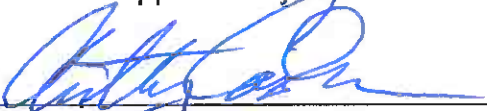
1. Any person guilty of violating the provisions herein shall be guilty of a simple misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) or a municipal infraction per offence.

SECTION 2. REPEALER. That all other ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 3. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrased be declared unconstitutional.

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

Passed and approved by the Keota City council on the 15th day of June, 2020.



ANTHONY GANSLER, MAYOR

1st Reading: May 18, 2020

2nd Reading: June 1, 2020

3rd Reading: June 15, 2020

ATTEST:



TOMISHA HAMMES, CITY CLERK

I certify that the foregoing was published as Ordinance 284 on June 24, 2020.

Motion: CONRAD Second: BENDER

ROLL CALL VOTE				
COUNCIL MEMBER NAME	AYES	NAYS	ABSTAIN	ABSENT
MIKE BENDER	✓			
KEITH CONRAD	✓			
MATT GREINER	✓			
ROD HILL		✓		
CURT BURROUGHS	✓			