

March 26, 2020

The Keota City Council met on March 26, 2020, at the Keota City Hall. The meeting was called to order at 3:00 p.m. by Mayor Anthony Cansler.

Council members answering roll call were: Curt Burroughs, Matt Greiner via phone, Mike Bender, and Keith Conrad. City Employee present was Tomisha Hammes. Also in attendance via phone conference was Jason Palmer, Keota City Attorney from Bradshaw, Fowler, Proctor & Fairgrave, PC in Des Moines.

Motion was made by Councilman Bender to approve the agenda. Councilman Conrad seconded the motion. Motion passed with a majority vote.

Motion was made by Councilman Conrad to go into closed session per Iowa Code 21.5(1)(c) – Matters currently in litigation per the city attorney’s request at 3:01 p.m. Councilman Burroughs seconded the motion. Roll call vote: Ayes – Greiner, Conrad, Burroughs, and Bender; Nays – None; Abstain – None Absent – Hill. Motion passed with a majority vote.

Motion was made by Councilman Bender to end closed session at 3:11 p.m. Councilman Burroughs seconded the motion. Roll call vote: Ayes – Greiner, Conrad, Burroughs, and Bender; Nays – None; Abstain – None Absent – Hill. Motion passed with a majority vote.

The city clerk did the first reading of Ordinance 2020-277 Animal Control – Dangerous Animals.

Motion was made by Councilman Conrad to waive the 2nd and 3rd reading of Ordinance 2020-277. Councilman Burroughs seconded the motion. Roll call vote: Ayes – Greiner, Conrad, Burroughs, and Bender; Nays – None; Abstain – None Absent – Hill. Motion passed with a majority vote.

Motion was made by Councilman Burroughs to approve Ordinance 2020-277. Councilman Bender seconded the motion. Roll call vote: Ayes – Greiner, Conrad, Burroughs, and Bender; Nays – None; Abstain – None Absent – Hill. Motion passed with a majority vote.

SECTION 1. Title IV, Chapter 1, Section 8 of the City of Keota, Iowa, 2017 Municipal Codebook of Ordinances, is hereby repealed and the following adopted in lieu thereof: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 gentile, 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.
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, and costs associated with the appeal, which may include service fees, attorney fees, and witness expenses. 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.

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 26th day of March, 2020.

Motion was made by Councilman Conrad to adjourn at 3:27 p.m. Councilman Bender seconded the

motion. Motion passed with a majority vote. The City Council will next meet on Monday, April 6, 2020 with work session starting at 6:00 p.m. and the regular meeting to start at 7:00 p.m. If there is a need at that time to have an electronic meeting or conference call instead of a meeting at city hall the public will be notified.

MAYOR ANTHONY CANSLER

ATTEST:

CITY CLERK TOMISHA HAMMES

*These are not official minutes. These minutes will be approve at the next council meeting. All documents mentioned in these minutes can be viewed during business hours at the Keota City Hall.