

ORDINANCE NO. 648

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2005, BY AMENDING PROVISIONS PERTAINING TO DANGEROUS ANIMALS

Be It Enacted by the City Council of the City of Hawarden, Iowa:

SECTION 1. SUBSECTION MODIFIED. Subsection 56.01(2) of the Code of Ordinances of the City of Hawarden, Iowa, 2005, is repealed and the following adopted in lieu thereof:

2. "Dangerous animal" means:

- A. Badgers, wolverines, weasels, skunk and mink;
- B. Raccoons;
- C. Bats;
- D. Black widow spiders, brown recluse spiders and scorpions;
- E. Red and black fire ants and other stinging ants native to Central or South America;
- F. Africanized strains of the honey bee;
- G. Non-domestic fowl (i.e. hawks);
- H. Pit Bull Dogs.

SECTION 2. SECTION MODIFIED. Section 56.02 of the Code of Ordinances of the City of Hawarden, Iowa, 2005, is repealed and the following adopted in lieu thereof:

56.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason in the City any dangerous animal except as provided in Subsection 56.03(1).

SECTION 3. SECTION MODIFIED. Section 56.03 of the Code of Ordinances of the City of Hawarden, Iowa, 2005, is repealed and the following adopted in lieu thereof:

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.

1. A peace officer, on his or her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering or harboring a dangerous animal in the City limits, may investigate to determine if a person owns, is keeping, sheltering or harboring a dangerous animal, and if after investigation, the facts indicate that the person in fact owns, is keeping, sheltering or harboring a dangerous animal, the peace officer shall order the owner within seven (7) calendar days of receipt of the order to secure the animal in a structure or fixed enclosure at all times or euthanize the animal. The order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the owner of the dangerous animal and shall be personally served upon the owner.

2. Such notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious injury or death to any person, in which case the peace officer shall cause the animal to be immediately euthanized. In the event that a dangerous animal 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, the peace officer may (a) seize the animal or (b) euthanize the animal. The choice of which of these options to pursue is left to the discretion of the peace officer. The peace officer shall be under no duty to attempt the seizure of a dangerous animal found at large prior to euthanizing such animal, nor does the peace officer have a duty to notify the owner of such animal prior to pursuing any of the above options.

3. When, pursuant to the pertinent provisions of subsection 2 of this section, an animal is seized or euthanized without a prior notice to remove to the owner, the peace officer or other designated person shall, within seven (7) days thereafter, deliver to the animal's owner, if known, either in person or by certified mail, return receipt requested, a written notice of the action taken and the reasons therefor.

4. If the order to remove issued by the peace officer is not complied with within the allotted period of time, the officer is authorized to seize the animal and euthanize the animal.

5. Costs incurred by the City for the removal, care, maintenance, transportation and euthanizing of a dangerous animal owned, kept, sheltered or harbored in violation of this chapter, shall be reimbursed to the City by the owner.

SECTION 4. 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.