

1. "Vicious Animal": Any animal while running at large that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct: a) by biting a person or persons on two (2) separate occasions within any twelve (12) month period; or b) did bite once causing injuries above the shoulders of the person; or c) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or d) has attacked or bitten any domestic animal or fowl on two (2) separate occasions within any twelve (12) month period, or e) which has been found to possess such a propensity by the City Council or its designee, after hearing.

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#### **55.10 VICIOUS ANIMALS.**

1. The Polk County Sheriff, City Administrator, or their respective designee(s), in his or her discretion or upon receipt of a complaint alleging that a particular animal is a "vicious animal" as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Animal Management Committee (hereinafter "AMC", comprised of the City Administrator, a Council Member appointed by the Mayor, and a member of the community at large (to be selected by the Council to serve a one year term)) and the person owning, keeping, sheltering, or harboring the animal in question, shall be given not less than ninety six (96) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal 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 securely confine the animal within a proper enclosure, allow the animal to be destroyed, or comply with additional or alternative terms and conditions imposed by the AMC. Once proceedings have been initiated to declare such animal a vicious animal, the animal shall not be removed from the city and transferred to another city unless and until it is decided that the animal is not vicious. 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 AMC, by consensus, determines that the animal is vicious, the AMC shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to securely confine the animal within a proper enclosure, cause it to be destroyed in a humane manner, or comply with additional or alternative terms and conditions. Once a determination has been made that the animal is vicious, the animal shall not be removed from the City and transferred to another City. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. The individual or entity so served shall have three (3) days from the date of service to file a written appeal of the AMC's order to the City Council who may confirm or alter the findings of the AMC after holding a public hearing on the matter. If the order is not complied with within a time period the City has deemed to be reasonable, and the order is not appealed to the City Council as provided above, the law enforcement officer or designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the

impoundment period, the individual or entity against whom the order of the management committee was issued has not petitioned the district court for a review of said order, the police chief or designee shall cause the animal to be destroyed.

3. Failure to comply with an order of the AMC officer or Council issued pursuant here to shall constitute a simple misdemeanor, and is also punishable pursuant to section 1.14 of this code.

4. Any animal found at large which displays vicious tendencies may be impounded and processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Sheriff's designee may immediately destroy it. If an animal is so impounded, the animal control officer shall try to ascertain and contact the owner of the animal, but if unable to ascertain the owner within ninety six (96) hours of the animal's seizure, the police chief's designee may destroy the seized animal in a humane manner.

5. Any animal 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 animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

6. The following animals shall be considered exceptions to the provisions of section 55.10:

A. Animals under the control of a law enforcement or military agency.

B. The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of section 55.10(1) of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar import, and the owner of such premises shall inform the City Administrator that a guard dog is on duty at such premises.