

ORDINANCE NO. 2017-497

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING CHAPTER 56**

**BE IT ENACTED** by the City Council of Independence, Iowa:

**SECTION 1. Chapter 56 of the Code of Ordinances of the City of Independence, Iowa, is amended as follows:**

I. **Section 56.02** is removed and replaced with:

**56.02 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a dog that has acted in any manor described in code section 56.01(3) within the City, and any such person shall immediately surrender any such dog to the Police Chief or his/her designee. The following provisions apply to vicious dogs:

1. The Police Chief or his/her designee is authorized to implement the provisions of Section 55.12 in response to a violation of this section.

2. In the event a dog has acted in a manor described in code section 56.01(3), and is found at large or unattended upon any property within the City, thereby creating a hazard to life or property, such dog may, at the discretion of the Police Chief or his/her designee, be destroyed if it cannot safely be confined or captured. The City shall be under no duty to attempt the confinement or capture of a vicious dog found at large nor shall it have a duty to notify the owner of such animal prior to its destruction.

3. In the event that the Police Chief or his/designee determines that a dog has acted in a manor described in code section 56.01(3), the Police Chief or his/her designee has discretionary authority to bring such dog owner before the proper court or refer the matter to the City Council to determine disposition.

II. In **56.03(1)(A)**, the phrase “**Clerk**” is removed and replaced with with “**Police Chief.**”

III. In **56.03(1)(G)**, the phrase “**may order abatement procedures to begin at once as specified in Section 56.04, or do both, at the discretion of the Police Chief.**” is removed and replaced with “**refer the matter to the City Council to determine disposition.**”

IV. **56.04** is repealed and removed in its entirety.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. 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.

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

**Passed by the Council** the 11th day of December, 2017, and approved this 11th day of December, 2017.

Bonita Davis, Mayor  
Bonita Davis, Mayor

ATTEST:

Jeena Lynch  
Jeena Lynch, City Clerk

First Reading: November 27, 2017

Second Reading: December 11, 2017

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 2017-497 on the 11th day of December, 2017.

Jeena Lynch  
City Clerk