

ORDINANCE NO. 2020-523

AN ORDINANCE AMENDING CHAPTERS 55 (ANIMAL PROTECTION & CONTROL) & 56 (DANGEROUS & VICIOUS ANIMALS) OF THE CITY CODE OF THE CITY OF INDEPENDENCE, IOWA

WHEREAS, the City Council of the City of Independence, Iowa, has identified a need to amend the City Code to amend certain provisions and definitions within the animal control ordinances to allow for more effective enforcement by law enforcement and to update definitions to bring them into alignment with the Iowa Code; and

WHEREAS, the City Council has determined it is necessary to amend Chapters 55 and 56 of the City Code to make such amendments and updates so as to preserve and promote the general health, safety, and welfare of the residents of the City.

THEREFORE, The City Council hereby adds and/or updates various provisions within Chapter 55 (Animal Protection & Control) and 56 (Dangerous & Vicious Animals) City of the City Code of Independence, Iowa, to enhance the ability to enforce the ordinance(s) and to amend definitions to align with Iowa Code provisions regarding same;

SECTION 1. SECTIONS AMENDED. The following provisions of Chapters 56 of the City Code of the City of Independence, Iowa, are amended as follows, with underlined text indicating language added, stricken text indicating language removed, and unaltered text indicating existing language unchanged by this amendment but which is included for context:

56.01 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. "Dangerous animal" means:

- A. Badgers, wolverines, weasels, skunk and mink;
- B. Raccoons;
- C. Bees;
- D. Scorpions;
- E. Any cross breed of such animals which have similar characteristics of the animals specified above;
- F. Any other specific class, species or subspecies of animals declared to be dangerous by the City Council.
- G. Any other animal deemed "dangerous" in accordance with Iowa Code § 717F.1(5), as amended.

2. "Guard dog" means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler.

3. "Vicious dog" or "vicious animal" means any dog or other animal which, unprovoked and in a terrorizing manner, or in apparent attitude of attack, approaches any person upon the streets, sidewalks or any public grounds or places; or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or any dog which bites, inflicts injury upon, assaults or otherwise attacks a human being or domestic animal on public or private property; or any dog or other animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

56.02 VICIOUS ANIMALS.

It is unlawful for any person to harbor or keep an animal that has acted in any manner described in Section 56.01(3) of this chapter within the City, and any such person shall immediately surrender any such animal to the Police Chief. The following provisions apply to vicious animals:

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

2. In the event an animal has acted in a manner described in 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 animal may, at the discretion of the Police Chief, 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 animal 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 determines that an animal has acted in a manner described in Section 56.01(3), the Police Chief has discretionary authority to bring such animal owner before the proper court or refer the matter to the City Council to determine disposition.

SECTION 2. SECTIONS ADDED. The following provisions of Chapters 55 of the City Code of the City of Independence, Iowa, are added as follows:

55.17 NUMBER OF ANIMALS LIMITED

No person shall own, harbor or keep more than a combined total of twenty cats or dogs, or any combination thereof, over the age of three months within any dwelling or on any property within City limits. This limit shall not apply to an appropriately licensed kennel, sanctuary, veterinary office, or similar business that provides boarding or veterinary care for such animals.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED this 26th day of October, 2020.



Bonita Davis, Mayor

ATTEST:



Jeena Lynch, IaCMC, City Clerk/Treasurer

First Reading: September 28, 2020

Second Reading: October 12, 2020

Third Reading: October 26, 2020

I certify that the foregoing was published as Ordinance No. 2020-523 on the _____ day of _____, 2020.

Jeena Lynch, IaCMC, City Clerk/Treasurer