City of Carroll

Brad Burke, Chief of Police **Police Department**

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-3536 FAX: (712) 792-8088

MEMO TO: Gerald L. Clausen, City Manager

FROM: Brad Burke, Chief of Police BB

DATE: April 6, 2016

SUBJECT: Carroll City Ordinance Chapter 56 amendment

Chapter 56 of the Carroll City Code deals with dangerous and vicious animals. Over the past year there have been a few instances where dogs which are at large have shown vicious tendencies such as growling, lunging, and chasing of individuals. The current ordinance does not deem an animal vicious unless the dog bites/attacks one or more person or other animals. This has allowed dogs which have shown vicious tendencies which are not currently defined by the City Ordinance to be returned to the owners and allowed to remain in the City. The proposed change will allow the City to deem a dog vicious before it attacks or bites a person or animal. This change will protect the citizens from an unprovoked attack by removing the vicious animal from the City.

The first reading of this ordinance took place at the last council meeting on March 28, 2016. Since that reading I have not had any feedback from the public.

RECOMMENDATION: Council consideration and waiver of the second and third reading of Carroll City Ordinance Chapter 56. Approval of the ordinance changes as shown to the Dangerous and Vicious Animals Carroll City Ordinance Chapter 56.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO DANGEROUS AND VICIOUS ANIMALS

BE IT ENACTED by the City Council of the City of Carroll, Iowa:

SECTION 1. Chapter 56, Section 01, of the Code of Ordinances of the City of Carroll, Iowa, 2011, is repealed and the following adopted in lieu thereof:

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

1. "Dangerous animal" means the following animals: †
   a. Badgers, wolverines, weasels, skunk and mink;
   b. Raccoons;
   c. Bats;
   d. Scorpions;
   e. Piranhas.
2. "Vicious animal" means:
   a. Any animal which has attacked a human being or domestic animal one or more times, without provocation while at large;
   b. Any animal with a history to cause injury or to otherwise endanger the safety of human beings or domestic animals while at large;
   c. Any animal that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
   d. Any animal trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency in the State of Iowa or of the United States or a branch of the armed forces of the United States.

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† **EDITOR'S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, paragraph 5a, of the *Code of Iowa,* are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

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 and approved this _____ day of _____, 2016.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

_____
Eric P. Jensen, Mayor

ATTEST:

_____
Laura A. Schaefer, City Clerk

I certify that the foregoing was published as Ordinance No._____ on the _____day of _____, 2016.

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Laura A. Schaefer, City Clerk