

ORDINANCE NO. 2025-02

AN ORDINANCE AMENDING CHAPTER 55 “ANIMAL PROTECTION AND CONTROL” OF THE CODE OF ORDINANCES OF THE CITY OF RIVERSIDE, IOWA

SECTION I. PURPOSE. The purpose of this ordinance is to update the City’s process for the handling of vicious dogs, illegal animals and dangerous animals to streamline the process and remove the direct involvement of the Washington County Sheriff’s Office

SECTION II. SECTION REPEALED AND REPLACED. Section 55.19 is repealed and replaced in its entirety as follows.

CHAPTER 55 ANIMAL PROTECTION AND CONTROL

55.19 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS, ILLEGAL ANIMALS AND DANGEROUS ANIMALS.

1. The City Administrator, at his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, illegal animal, or dangerous animal, as defined herein, may initiate proceedings to declare said animal an “offending animal.” If after investigation the City Administrator determines the animal is an offending animal held in violation of this chapter the City Administrator shall order the person owning, sheltering, harboring, or keeping the animal to obtain a vicious animal permit and confine the animal as required by this chapter, or remove it from the City. The order shall be served on the owner by certified and regular U.S. mail. If the order is not complied with within five (5) days of its issuance, the City Administrator is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the City Administrator was issued has not appealed such order to the Council, or has not complied with the order, the City Administrator shall cause the animal to be humanely destroyed. Before being returned to the owner, an unaltered animal shall be surgically spayed or neutered, unless the animal has been duly registered for breeding purposes.

2. The order to obtain the required permit, or to confine or remove an offending animal from the City issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Administrator within twelve (12) days after issuance of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Administrator.

3. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Administrator. The hearing of such appeal shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Administrator within three (3) days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the City Administrator and the arguments of the parties or their representatives, but no additional evidence shall be taken.

4. If the Council affirms the action of the City Administrator, the Council shall order in its written decision that the person sheltering, harboring, or keeping such offending animal shall obtain a vicious animal permit and confine said animal as required by this chapter or remove the offending animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection 1 of this section.

5. Failure to comply with an order of the City Administrator issued pursuant hereto and not appealed or of the Council after appeal, is a municipal infraction. Each day said failure to comply exists shall constitute a separate violation.

6. Any animal which is alleged to be an offending animal 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 or the animal is found to be an offending animal. If the animal is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

SECTION III. SECTIONS AMENDED. The following sections are amended as follows with underlined text indicating new text and struck through text indicating removal.

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

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15. "Offending animal" means a "vicious ~~dog~~ animal," an "illegal animal," or a "dangerous animal" as defined herein.

18. "Vicious ~~dog~~ animal" means:

- A. Any ~~dog~~ animal which has attacked a human being or domestic animal one or more times, without provocation;
- B. Any ~~dog~~ animal with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- C. Any ~~dog~~ animal that snaps, bites, or manifests a disposition to snap or bite;
- D. Any ~~dog~~ animal that has been trained for ~~dog fighting~~, animal fighting, or animal baiting, or is owned or kept for such purposes;
- E. Any ~~dog~~ 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 of the State or the United States or a branch of the armed forces of the United States.

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55.05 ABANDONMENT OF CATS AND DOGS. Any person who has ownership or custody of a cat or dog or other pet shall not abandon the ~~cat or dog~~ pet, except the person may deliver the ~~cat or dog~~ pet to another person who will accept ownership and custody or the person may deliver the ~~cat or dog~~ pet to an animal shelter or pound.

55.11 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that an ~~dog or~~ animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

55.16 VICIOUS ~~DOG~~ ANIMALS PERMITS. It is unlawful for any person to harbor or keep a vicious ~~dog~~ animal within the City without first obtaining a vicious ~~dog~~ animal permit in accordance with the following:

1. Application. The application for a vicious ~~dog~~ animal permit must include the following:

- A. Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage, as in a homeowner's policy, with a minimum liability amount of \$500,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious ~~dog~~ animal. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event of underlying policy of insurance is canceled for any reason. This provision shall in no way limit monetary, damages, or other remedies to which a party may be entitled hereunder against the owner, agent, or possessor of such ~~dog~~ animal.
- B. The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate complying with this section is provided showing insurance in effect at the time of such cancellation or termination.
- C. Application fee in the amount of \$100.00.

2. Notification of Changes. The owner of the vicious ~~dog~~ shall be required to notify the City within 24 hours of any transfer of ownership of the ~~dog~~ animal, the ~~dog's~~ animal's escape or death, any change of address by the owner, or birth of offspring to the ~~dog~~ animal.

55.17 CONFINEMENT OF VICIOUS ~~DOGS~~ ANIMALS. All vicious ~~dogs~~ animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided herein. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. All pens or other structures designed, constructed, or used to confine vicious ~~dogs~~ animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure

bottom, floor, or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined ~~dog~~ animal. All pens must have a sign with minimum two-inch lettering saying "Beware of Vicious ~~Dog~~ Animal." The ~~County Sheriff~~ City Administrator or their designee, is empowered to inspect such pens at least once per year. All structures erected to house vicious ~~dogs~~ animals must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious ~~dog~~ animal may be kept on a porch, patio, or in any part of a house or structure that would allow the ~~dog~~ animal to exit such building on its own volition. No person shall permit a vicious ~~dog~~ animal to go outside its kennel or pen unless such ~~dog~~ is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious ~~dog~~ animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both ~~dog~~ and leash are under the actual physical control of a person 18 years of age or older. Such ~~dogs~~ animals may not be leashed to inanimate objects such as trees, posts, building, or any other object or structure. Violation of this section is a ~~simple misdemeanor~~ municipal infraction. Each day of any such violation shall constitute a separate offense.

55.18 VICIOUS ~~DOGS~~ ANIMALS AT LARGE. A vicious ~~dog~~ animal which is found to be at large and not confined as required by this chapter shall be permanently removed from the City or destroyed. A vicious ~~dog~~ animal which is permanently removed from the City but is found back in the City will be immediately destroyed.

55.22 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 55.19 of this chapter, and said animal may be immediately seized anywhere within the City, in which case the County Sheriff or his or her designee is authorized to destroy it immediately. Any ~~dog~~ animal which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the City.

55.23 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, and said owner or other person shall provide to the ~~County Sheriff~~ City Administrator a notarized statement designating the place to which the animal has been removed. An animal not removed as required or an animal which has been removed and which is again found illegally within the City shall be destroyed, and all costs associated therewith shall be at the owner's sole expense.

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

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

PASSED AND APPROVED this 18th day of August, 2025.

ATTEST:

Stephanie Thomann, City Clerk

Allen Schneider, Mayor

First Reading: August 18th, 2025

Second Reading: Waived pursuant to Iowa Code Sec. 380.3

Third Reading: Waived pursuant to Iowa Code Sec. 380.3

Final Approval Given: August 18th, 2025

I certify that the foregoing was published as Ordinance No. 2025-02 on October 30th, 2025.

Stephanie Thomann, City Clerk