

NOTICE OF PUBLIC HEARING
OKOBOJI CITY COUNCIL

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF A TEXT AMENDMENT TO THE CITY'S MUNICIPAL CODE BY AMENDING CHAPTER 55.11 PERTAINING TO VICIOUS DOGS.

The City of Okoboji City Council will conduct a public hearing to consider text amendments to Chapter 55.11, "VICIOUS DOGS" by making the following amendments in Section 55.11:

CURRENT:

55.11 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

PROPOSED:

55.11 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it (1) has attacked or bitten any person without provocation causing injury or when it (2) has more than once injured or killed a domestic animal while off the owner's property, or when it (3) has been used primarily or in part for the purpose of dog fighting or the dog is trained for dog fighting, or when it (4) has been deemed a vicious or dangerous dog due to any of the aforementioned criteria by any other government subdivision.

55.11.1 PROCEDURE FOR DECLARING A DOG VICIOUS

55.11.1.1. An Animal Control Officer or any adult person may file a complaint alleging that a particular dog is vicious as defined in this chapter. Upon receipt of such complaint, the Chief of Police or their designee shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegation as set forth in the complaint will be conducted.

55.11.1.2. At the conclusion of the investigation, the Chief of Police or their designee may:

55.11.1.2.1. Determine that the dog is not vicious and the Chief of Police or their designee will notify the owner in writing.

55.11.1.2.2. Determine that the dog is vicious, the Chief of Police will notify the owner in writing and notify the owner of the appeal process, and order the dog be removed from the City limits within 72 hours.

55.11.1.2.2.1. Dogs declared vicious may be immediately impounded without an impoundment appeal hearing if the Chief of Police or their designee determines that such immediate impoundment is necessary for the protection of public health or safety.

55.11.1.2.2.2. The owner of the dog impounded shall be notified of the impoundment in writing. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on the premises if no adult is present to accept service.

55.11.1.2.2.2. The owner of the dog will be responsible for all fees associated with impoundment.

55.11.1.2.2.2. In the event the dog is not immediately impounded, failure to remove a vicious dog from City limits within 72 hours will constitute a fine of \$500.00 per day starting immediately after a vicious dog determination is made by the Chief of Police or their designee.

55.11.1.3. TO APPEAL the determination that a dog is vicious written notice must be filed with the City Administrator within three (3) business days after receipt of the vicious dog determination. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Chief of Police or their designee.

55.11.1.3.1. The appeal hearing shall be scheduled within 30 days of the receipt of the notice of appeal.

55.11.1.3.2. If the City Council affirms the action of the Chief of Police or their designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog shall remove the dog from the City limits if not already removed.

The City of Okoboji City Council will hold a public hearing on the 11th day of October, 2022 at 6:00PM at the Okoboji City Hall (1322 Highway 71 N., Okoboji, Iowa 51355). The terms and conditions of this may be amended / replaced / added language will be discussed / revised / changed and determined by the City Council and may be modified at the public hearing. Following said hearing, the Council may take action.

Michael Meyers, City Administrator