

**CITY OF STORM LAKE
SPECIAL COUNCIL SESSION MEETING
CITY HALL - COUNCIL CHAMBERS
APRIL 20, 2026
4:00 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

Access to the official meeting can also be done through the following ways:

BY TELEPHONE

Dial: 1-312-626-6799 or toll-free 1-888 475-4499

Zoom Meeting ID: 933 2006 3301

BY COMPUTER:

<https://zoom.us/j/93320063301>

Open the Meeting

- **Call to Order**

A. Consideration of Changes in Agenda and Setting the Agenda

B. Disclosure by City Council Members

C. Unfinished Business

D. New Business

1. [Appeal to Remove Vicious Dog from City Limits](#)

E. Adjourn

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item, please approach the podium when that agenda item is called, and upon recognition by the Mayor, identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda, please approach the podium under the "Hear the Public" agenda item, and upon recognition by the Mayor, identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting, including but not limited to translation services, hearing assistance, or accessibility, please contact the City Clerk at least four (4) hours prior to the start of the meeting.

*If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.

**Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.

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Staff Summary

4/20/2026
Agenda Item # D.1.



REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil, City Manager

SUBJECT: **Appeal to Remove Vicious Dog from City Limits**

BACKGROUND: On February 28, 2026, it was reported that a rottweiler named Chucky, attacked and bit a 13-year-old minor as he was walking in the alley between Hudson and Superior streets. In addition, it was reported that this dog is one year past the required Rabies vaccine and does not hold a valid pet license in the City.

A “vicious animal” is defined by Section 8-9-1 of the City Code of Storm Lake, Iowa to include any animal, other than animals specifically listed in such section as “dangerous animals,” that has inflicted serious injury on a human being unless the animal was on its owner’s premises and either the animal was being provoked, teased or tormented or the victim was trespassing and was more than seven years of age. “Serious injury” is defined in the same section to mean any one bite which breaks the skin of the victim.

FISCAL IMPACT: N/A

RECOMMENDATION: City Council may affirm or reverse the order fo the City Manager.

ATTACHMENTS:

- 1. Order to Remove Dog
- 2. Appeal Letter
- 3. Notice of Hearing - signed
- 4. redacted Report
- 5. Chapter 8-9

March 2, 2026

Ms. Laurie Maldonado
412 Superior
Storm Lake, IA 50588

RE: Order to Remove Vicious Dogs from City Limits

Ms. Laurie Maldonado,



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588

p (712) 732-8000
f (712) 732-4114

On February 28, 2026, it was reported that your dog, a rottweiler named Chucky, attacked and bit a 13-year-old minor as he was walking in the alley between Hudson and Superior streets. In addition, it was reported that your dog is one year past the required Rabies vaccine and does not hold a valid pet license in the City.

A Vicious Animal is defined as:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either:
 - a. The animal was being provoked, teased or tormented; or
 - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

The evidence supports that your dog meets the definition of a Vicious Animal and pursuant to Municipal Code Chapter 8-9 Dangerous and Vicious Animals you shall permanently remove your dog from city limits by 4:00 p.m. on March 6, 2026.

You may appeal this decision. In order to appeal such order, written notice of appeal must be filed with the City Clerk by March 6, 2026. **Failure to file such written notice of appeal by 4:00 p.m. on March 6, 2026 shall constitute a waiver of right to appeal the order of the City Manager.** The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. Should you elect to appeal, your dog shall remain impounded at your expense as outlined in Municipal Code Section 8-9-7 (G) of the Storm Lake City Code.

If the dog is not removed by 4:00 p.m. on March 6, 2026 and no request to appeal has been received, the dog shall be seized and shall be impounded for (5) five days. If at the end of the impoundment period, the individual has not petitioned the Buena Vista County District Court for a review of said order, the City Manager shall follow Municipal Code Section 8-9-7(D).

A copy of Municipal Code Chapter 8-9 Dangerous and Vicious Animal, police report and photos are attached to this order for your reference.

Keri Navratil
City Manager

Dear to Whom it may concern,

I am writing to formally appeal the citation issued on March 2, 2026, regarding my dog being off leash and the accidental bite involving a passerby.

First and foremost, I want to express that I take this matter very seriously. The incident was deeply upsetting to me, and it was never my intention for anyone to be harmed or frightened. This was my dog's first offense of any kind, and he has no prior history of aggression or behavioral issues.

My dog was rescued from a precious owner in Colorado, and since bringing him into my home, I have worked diligently to provide him with stability, proper care, and responsible supervision. He is also my emotional support dog and plays an important role in my daily wellbeing.

He is regularly around people in social settings and is especially accustomed to being around children. I have two toddler nephews who spend a great deal of time with him, and he has consistently been gentle, patient, and well-behaved with them. Because of this history, the incident was both unexpected and out of character.

On the day in question, Chucky was let out of my home by accident by my 3 year old nephew who figured out how to open the door. I am unsure of what happened when outside, but he was found by my father as he was leaving for work. As soon as they were found they were called back inside. The interaction happened quickly and was not a deliberate act of aggression. I immediately addressed the situation and have since taken additional precautions to ensure this cannot happen again. These steps include, locking doors at all times of the day, when let out to use the bathroom he will always be on leash, scheduling his vaccination appointment (which is

on March 5th @ 2pm), and as soon as I get a vaccination card I will go and pay for his dog license.

I fully respect the City's responsibility to protect public safety and understand why this citation was issued. However, given that this was an isolated and unintentional incident, his clean record, his consistent history of safe behavior around adults and children, and the corrective measures I have taken, I respectfully ask that you consider dismissing the penalties.

I am committed to being a responsible pet owner and ensuring the safety of those around us. Thank you for your time and consideration. I am willing to provide additional documentation or comply with any reasonable requirements the city may request.

Sincerely,

Laurie Maldonado
412 Superior St.
712-730-0553
lauriemaldonado43@gmail.com

**NOTICE OF HEARING PURSUANT TO SECTION 8-9-7 OF THE STORM LAKE,
IOWA CITY CODE REGARDING COMPLAINT ALLEGING DOGS TO BE VICIOUS
ANIMALS**

To: Laurie Maldonado, 412 Superior, Storm Lake, IA 50588

You are hereby notified that the undersigned City Manager of the City of Storm Lake, Iowa has received a complaint alleging a dog owned by you or under your control (hereafter referred to as “your dog”) is a “vicious animal.” The dog which is the subject of the complaint is a Rottweiler or similar breed.

A “vicious animal” is defined by Section 8-9-1 of the City Code of Storm Lake, Iowa to include any animal, other than animals specifically listed in such section as “dangerous animals,” that has inflicted serious injury on a human being unless the animal was on its owner’s premises and either the animal was being provoked, teased or tormented or the victim was trespassing and was more than seven years of age. “Serious injury” is defined in the same section to mean any one bite which breaks the skin of the victim.

The undersigned has initiated proceedings under Section 8-9-7 of the City Code to declare your dog to be a vicious animal. A hearing on the matter shall be conducted by the City Council on **March 16, 2026 at 4:00 P.M.** Central Time in the City Council Chambers on the second floor of City Hall, 620 Erie Street, Storm Lake, Iowa 50588. At the hearing the City Council may affirm or reverse the order.

The basis of the allegation that your dog is vicious is an incident alleged to have occurred February 28, 2026.

According to the allegation relating to the February 28, 2026, incident, your dog, attacked and bit a 13-year-old minor as he was walking in the alley between Hudson and Superior streets. In addition, your dog was unlicensed and without proper vaccinations. Included with this notice, is the Report by Lieutenant Younie and Officer Garcia, photos of the victim, and your appeal letter.

Your dog will have to remain impounded until after the appeal hearing at your cost.

You may be present at the hearing and present relevant evidence and legal argument if you wish. You may testify or call witnesses to testify at the hearing. You may be represented by an attorney at your own expense.

Dated: 3/5/2026 _____
Keri Navratil, City Manager
City of Storm Lake, Iowa

Dog Bite

Officers involved: Younie, Garcia, Lane
Body camera: yes
In car camera: no

On 02/28/26 at approximately 1049 SLPD Officers including myself, Lt. Younie, were advised of an ambulance call at 415 Hudson St. in reference to a 13 year old male who was bit by 3 dogs. Dispatch stated the dogs were now contained at the owners residence.

Upon my arrival I observed the victim, [REDACTED], bleeding from his hand and leg while he was walking to the ambulance. [REDACTED] uncle, Jesus, showed officers the alley where the attack occurred. The gravel was torn up and multiple dog prints were visible. Jesus stated [REDACTED] was walking down the alley and the neighbors dogs attacked him. The dogs were then called back to 412 Superior by the occupant. One dog was described as a Rottweiler and the other a pitbull.

Officers proceeded to 412 Superior St. and met with 2 sisters who each own one dog. Maria Maldonado stated she owns the pitbull, Mini, while Laurie Maldonado owns the rottweiler, Chucky. Maria stated the dogs ran out of the house when her 3 year old son opened the door.

Maria stated the dogs are not licensed in the city but are current on the vaccinations but she had no paperwork proving this. I later contacted Dr. Mandernach at BV Vet clinic who stated Chucky is a year past the vaccination due date and Mini is nearly 3 years past the vaccinations.

Officer Garcia handled the bulk of the investigation and charged Laurie and Maria with dogs at large, no city license, and no rabies vaccination. Officer Garcia also took several photos of the injuries and the dogs.

Younie 817

Dog Bite 808

On 02/28/2026 at approximately 1049 hours Jesus Cruz-Barragan called 911 to report three dogs, possibly pitbulls, that attacked his 13-year-old nephew. I, Officer Garcia, arrived at 415 Hudson St at approximately 1052 and I spoke to the reporting party,

Jesus Cruz-Barragan

415 Hudson St

DOB: [REDACTED]

OLN: [REDACTED]

SSN: [REDACTED]

PHONE: [REDACTED]

Jesus brought me to the back yard where his nephew was. Jesus's nephew was later identified as.

[REDACTED]

[REDACTED]

[REDACTED]

While speaking to Jesus and [REDACTED] they explained that [REDACTED] was behind 415 Hudson attempting to walk north on the ally between Hudson and Superior. While walking dogs, identified by Jesus and [REDACTED] to belonging to 412 Superior, attacked [REDACTED]. [REDACTED] had 2 punctures from the dog bites, one was on his left middle calve, and the other around his left thumb. I asked Jesus where [REDACTED] parents were and Jesus said [REDACTED] mother was at work and he was calling her to inform her of what happened.

[REDACTED] mother

Martha Esmeralda Cruz

415 Hudson St

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Brandon was transported to the Buena Vista Regional Medical Center, with [REDACTED] mother leaving work to accompany him. While Storm Lake Police Officers spoke to the residents of 412 Superior St and the two dogs were identified as belonging to that address. One of the dogs is owned by Maria Maldonado and the other by Laurie Maldonado. Maria and Laurie were both cited under Storm Lake Municipal Code 8-3-5 DOG AT LARGE and code 8-3-2 NO DOG LICENSE. When Maria and Laurie were questioned about the dog's vaccination, say said they didn't have a physical copy on hand but BV VET, 113 East 7th St Storm Lake would have a copy.

Maria Maldonado

412 Superior St
[REDACTED]
[REDACTED]
[REDACTED]

Laurie Maldonado

412 Superior St
[REDACTED]
[REDACTED]
[REDACTED]

Lieutenant Younie informed me, after he spoke to BV VET, that both dogs were not current on their vaccinations. Laurie's dog Chucky was due for vaccinations in February of 2025. Maria's dog Minie was due for vaccinations in February of 2023.

I was directed by Lieutenant Younie to charge both Maria and Laurie under Iowa Code 351.33 RABIES VACCINATION VIOLATION, which I did at approximately 1049 hours. Maria and Laurie received summons to appear for the 351.33 offence. The third dog was unable to be located. Pictures of the dogs and injuries were added to the case file.

Nothing further,
Officer Garcia 808

~~XXXXXXXXXXXXXXXXXXXX~~

ORDINANCE NO. 01-O-2024-2025

AN ORDINANCE AMENDING TITLE VIII OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA, BY REPEALING AND REPLACING CHAPTERS 8-9 PERTAINING TO ANIMAL CONTROL

WHEREAS, Title VIII, Police, of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa ("City Code") contains Chapter 8-9 pertaining to the control and regulation of animals and animal ownership within the corporate limits of Storm Lake; and

WHEREAS, the City Council of the City of Storm Lake ("Council" or "City," respectively) seeks to repeal and replace Chapter 8-9 pertaining to animal control and regulation for the purposes of updating the provisions; and

WHEREAS, the City finds it proper and necessary to adopt revised ordinances to protect the health and welfare of citizens; and

WHEREAS, the Council hereby determines the revisions and changes to the various animal control sections of City Code Title VIII are in the public's best interests.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA, THAT:

SECTION ONE. Title VIII of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, is hereby amended by repealing Chapter 8-9, Dangerous and Vicious Animals, in its entirety and replacing it with the following in lieu thereof:

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

- 8-9-1 Definitions
- 8-9-2 Keeping of Dangerous Animals Prohibited
- 8-9-3 Dangerous Animal Exceptions
- 8-9-4 Seizure, Impoundment and Disposition of Dangerous Animals
- 8-9-5 Keeping of Vicious Animals Prohibited
- 8-9-6 Vicious Animal Exception
- 8-9-7 Seizure, Impoundment and Disposition of Vicious Animals
- 8-9-8 Restrictions of Keeping of Potentially Vicious Animals
- 8-9-9 Complaint, Procedures and Restrictions of Potentially Vicious Animals

Section 8-9-1 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

1. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
2. Any animals declared to be dangerous by the Board of Health of the County or the City Manager, or their designee;
3. The following animals which shall be deemed to be dangerous animals per se:
 - a. All cats, except domestic cats (Carnivora of the family Felidae including, but not limited to, lions, cougars, tigers, jaguars, leopards, lynx, and bobcats);
 - b. Wolves, coyotes and foxes;
 - c. Badgers, wolverines, weasels, skunks and mink;
 - d. Raccoons;
 - e. Bears;
 - f. All apes and monkeys, including chimpanzees;
 - g. Bats;
 - h. Alligators and crocodiles;
 - i. Scorpions;
 - j. Snakes that are venomous or constrictors; and
 - k. Gila monsters.

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. Chases or approaches a person, domestic animal, fowl, or livestock in an apparent attitude of attack, or
2. Attacks a person, domestic animal, fowl, or livestock; or
3. Bites, harms, or attempts to bite or harm a person, domestic fowl, or livestock; or
4. Has been trained to fight other domestic animals; or
5. Has been trained as a guard dog for people or property.

This definition shall not apply to law enforcement canines.

An animal provoked to an attitude of self-defense or assumes a defensive attitude in protection of its owner's property shall not be a per se potentially vicious animal. The City Manager or their designee may take various factors into consideration when determining whether an animal meets this definition. These factors include, but are not limited to, whether the animal was provoked, or whether the animal was acting to protect itself, its owner, or its owner's property.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either:
 - a. The animal was being provoked, teased or tormented; or
 - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

Section 8-9-2 Keeping of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the corporate limits of the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

Section 8-9-3 Dangerous Animal Exceptions

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (A) The keeping of a service animal, as defined and required by state and federal law.
- (B) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study.
- (C) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
- (D) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (E) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (F) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

Section 8-9-4 Seizure, Impoundment and Disposition of Dangerous Animals

- (A) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby

creating a hazard to person or property, such animal, may, in the discretion of the City Manager or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

- (B) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City of Storm Lake, the City Manager shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Manager shall declare the animal to be dangerous and order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9-3 of this Code to possess dangerous animals, or humanely destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the City Manager shall cause the animal to be immediately seized and impounded or destroyed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.
- (C) The order to remove a dangerous animal issued by the City Manager shall be appealable to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Manager.
- (D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. The City Manager may direct quarantine or impound of the dangerous animal until after an appeal hearing. After such hearing, the City Council may affirm or reverse the order of the City Manager. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.
- (E) If the City Council affirms the action of the City Manager, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the corporate limits of the City of Storm Lake, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or humanely destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the City Manager is not appealed and is not complied with within three (3) days of its issuance, the City Manager

or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Manager or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Manager shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or humanely destroy such animal. Failure to comply with an order of the City Manager issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a municipal infraction.

Section 8-9-5 Keeping of Vicious Animals Prohibited

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

Section 8-9-6 Vicious Animal Exception

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

- (A) Animals under the control of a law enforcement or military agency.
- (B) The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", "beware of dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

Section 8-9-7 Seizure, Impoundment and Disposition of Vicious Animals

- (A) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a vicious animal on premises in the City of Storm Lake, the City Manager shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a vicious animal in the City, the City Manager shall declare the animal to be vicious and order the person named in the complaint to safely remove such animal from the City of Storm Lake, or humanely destroy the animal, within three (3) days of the receipt of such order. Such order shall set forth the description of the animal declared to be vicious and an explanation for the determination of viciousness. Such order shall be contained in a notice to remove vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the vicious animal, and shall be served personally or by certified mail. Such order and notice to remove vicious animal shall not be required where such vicious animal has previously caused serious physical harm or death to any person in which case the City Manager shall cause the animal to be immediately seized and impounded or humanely

destroyed if seizure or impoundment are not possible without risk of serious physical harm or death to any person. If the order is not complied with within three (3) days of its issuance, the City Manager or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Manager or his/her designee was issued has not appealed such order to the City Council, the City Manager or his/her designee shall cause the animal to be destroyed.

- (B) The order to remove or destroy vicious animal issued by the City Manager or his/her designee shall be appealable to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Manager or his/her designee. The animal shall continue to be quarantined or impounded as directed by the City Manager at the owner's cost until conclusion of the appeal.
- (C) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Manager or his/her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.
- (D) If the City Council affirms the action of the City Manager or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Manager or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Manager or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of five (5) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Manager or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Manager or his designee shall cause the animal to be destroyed in a humane manner.
- (E) Failure to comply with an order of the City Manager or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a municipal infraction.
- (F) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be

apprehended, in which case the City Manager, Police Chief, or their designee may immediately destroy it.

- (G) Any animal which is impounded or quarantined pending investigation or appeal of a vicious animal report, shall not be released to the owner, but shall continue to be held at the expense of the owner pending final disposition by administrative order or Council appeal. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

Section 8-9-8 Restrictions of Keeping of Potentially Vicious Animals

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

Section 8-9-9 Complaint, Procedures and Restrictions of Potentially Vicious Animals

- (A) The City Manager, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, shall cause the matter to be investigated, and if, after investigation, the facts indicate that the particular animal meets the definition of potentially vicious as provided herein, the City Manager or his/her designee shall declare the animal to be potentially vicious and may order the owner to comply with some or all the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.
2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.
3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.
4. The owner shall provide the City with a copy of a certificate of insurance issued by an insurance company licensed to do business in the state providing personal liability insurance as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents. The certificate shall require notice to the city if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, the City may provide up to 30 days subsequent to the determination that an animal is potentially vicious to obtain the certificate; however, if after 30 days a certificate of insurance or a policy has not been

submitted or the insurance coverage is cancelled, the animal shall be deemed unregistered or unlicensed and subject to immediate impoundment or removal from the corporate limits of the city.

(B) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits shall be appealable to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(C) Failure to comply with an order of the City Manager's or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

SECTION TWO. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION THREE. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FOUR. Effective. This Ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out hereinabove.

SECTION FIVE. When this ordinance is in effect, it shall automatically supplement, amend, and become a part of the said Recodification of the Municipal Code of the City of Storm Lake, Iowa.

PASSED on its first consideration the 5th day of August, 2024.

PASSED on its second consideration the 19th day of August, 2024.

Requirement of consideration and vote at two (2) prior Council meetings suspended the _____ day of _____, 2024.

PASSED AND APPROVED on its third consideration this 3rd day of September, 2024.

CITY OF STORM LAKE, IOWA
By: Micheal Porsch
Micheal Porsch, Mayor

_____ No action taken by Mayor.

_____ Vetoed this _____ day of _____, 2024.

Michael Porsch
Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez
Mayra A. Martinez, City Clerk

_____ Repassed and adopted over the veto this _____ day of _____, 2024.

_____ Veto affirmed this _____ day of _____, 2024 by failure of vote taken to repass.

_____ Veto affirmed no timely vote taken to repass over veto.

ATTEST:

Mayra A. Martinez
Mayra A. Martinez, City Clerk