

**CITY OF STORM LAKE
SPECIAL COUNCIL SESSION MEETING
CITY HALL - COUNCIL CHAMBERS
JUNE 16, 2025
4:30 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. **Hearing Pursuant to Section 8-9-7 of the Storm Lake, Iowa City Code Regarding Complaint Alleging Dog to Be a Vicious Animal**

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

6/16/2025

Agenda Item # D.1.



REPORT TO:

FROM: Keri Navratil, City Manager

SUBJECT: **Hearing Pursuant to Section 8-9-7 of the Storm Lake, Iowa City Code Regarding Complaint Alleging Dog to Be a Vicious Animal**

BACKGROUND: 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 basis of the allegation that your dog is vicious is an incident alleged to have occurred May 29, 2025.

According to the allegation relating to the May 29, 2025, incident, your dog, while running at large, unlicensed, and without proper vaccination and without provocation, bit an adult female at or around 610 W. 6th Street, Storm Lake, Iowa. According to the allegation, the dog barked and ran off the porch and across the street and bit causing a skin puncture wound. Officer Munden accompanied you and your dog to Lake Animal Hospital for quarantine as the dog was not up-to-date on rabies vaccination.

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.

FISCAL IMPACT: N/A

RECOMMENDATION: City Council may affirm or reverse the order of the City Manager pursuant to Section 8-9-7 of the Storm Lake, Iowa City Code Regarding Complaint Alleging Dog to Be a Vicious Animal

ATTACHMENTS:

1. Rodriguez Dog Hearing- Notification
2. Hearing Documentation Photos removed

**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: Neira Ek Rodriguez, 631 College Avenue, 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 German Shepard 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 June 16, 2025 at 4:30 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 May 29, 2025.

According to the allegation relating to the May 29, 2025, incident, your dog, while running at large, unlicensed, and no proper vaccination and without provocation, bit an adult female at or around 610 W. 6th Street, Storm Lake, Iowa. According to the allegation, the dog barked and ran off the porch and across the street and bit causing a skin puncture wound. Officer Munden accompanied you and your dog to Lake Animal Hospital for quarantine as the dog was not up to date on rabies vaccination.

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

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: _____
Keri Navratil, City Manager
City of Storm Lake, Iowa

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Dated: June 4, 2025



Keri Navratil, City Manager
City of Storm Lake, Iowa

ITEM #: 25-022809

DATE: 05/29/2025

REPORT OF: OFFICER TYLER MUNDEN

TYPE OF ARREST: DOG AT LARGE-CITATION

RABIES VACCINATION VIOLATION-SIMPLE MISD.

DOG NOT LICENSED-CITATION

ARRESTEE 1 NAME: MARITZA PANIAGUA

ADDRESS: 631 COLLEGE AVE.

STORM LAKE, IA 50588

H. PHONE: [REDACTED]

SSN: [REDACTED]

RACE: WHITE

SEX: FEMALE

DOB: 03/19/1966

AGE: 59

HEIGHT: 5'01"

WEIGHT: 200 LBS

EYES: BROWN

HAIR: UNKNOWN

EMPLOYER: TYSON

W. PHONE: UNKNOWN

ARRESTEE 2 NAME: NEIRA YASMIN EK RODRIGUEZ

ADDRESS: 631 COLLEGE AVE.

STORM LAKE, IA 50588

H. PHONE: [REDACTED]
SSN: [REDACTED]
RACE: WHITE
SEX: FEMALE
DOB: 02/05/1990
AGE: 35
HEIGHT: 5'01"
WEIGHT: 200 LBS
EYES: BROWN
HAIR: BROWN
EMPLOYER: AMERICAN FAMILY INSURANCE
W. PHONE: UNKNOWN

LOCATION OF ARREST: 631 COLLEGE AVE., STORM LAKE, IA 50588

Officer Munden

Date- 05/29/2025

Type- Dog at large

Address- 631 College Ave., Storm Lake, IA 50588

On 05/28/2025 at 1718 hours Officers were called to 610 W 6th St., Storm Lake, IA 50588 for a report of a dog bite. On scene I spoke with the RP identified as

Joann Foley

W/F

DOB- 05/12/1974

SOC- [REDACTED]

Address- 610 W 6th St. Storm Lake, IA 50588

Cell- [REDACTED]

Joann stated she was walking to 610 College Ave. as she sometimes gets their mail, while walking past 616 College a dog that was on the porch of 631 College barked and ran off the porch at Joann. Joann stated the dog ran across the street, barked at her again then bit her on her buttock. A lady called the dog back and the dog went back to 631 College Ave. Detective Nieland documented the injury via picture and will be uploaded under this case file.

I spoke to a resident at 631 College Ave. who stated her mother owns the dog and is identified as

Neira Ek Rodriguez

H/F

DOB- 02/05/1990

SOC- [REDACTED]

Address- 631 College Ave Storm Lake, IA 50588

Cell- [REDACTED]

Work- American Family Insurance

Was not home and they did not know where the paperwork for the dog was located. The dog is described as a black and brown German Shepherd with a black collar named Poncho. The Grandmother that was watching the dog is identified as

Maritza Paniagua

H/F

DOB- 03/19/1966

SOC- [REDACTED]

Address- 631 College Ave Storm Lake, IA 50588

Cell- [REDACTED]

Work- Tyson

I advised that due to the time Neira would be home that I would come back the following day to follow up.

On 05/29/2025 I Officer Munden met with Neira who provided the shot records for her dog, the dog was not current on its Rabies vaccine. The dog had previously been vaccinated on 01/03/2024 and was due 01/03/2025. Her dog Pancho was also not registered through the city of Storm Lake. I provided Neira with a citation, form number 1844 for City Code violation 8-3-2 dog registration. I then provided a citation, form number 1843 to her for Maritza for city code violation 8-3-5(B) Dog at large. Neira stated that Maritza does not speak English and she would translate the ticket for her. Neira was also cited under Iowa Code for 351.33 Rabies vaccination Violation. A court date of 06/11/2025 was given for all above citations. Neira then got her dog and accompanied me to Lake Animal Hospital to place the dog in quarantine.

I left a message for Joann letting her know that the dog was not up to date on its shots and she should contact BVRMC.

BV County health will be contacted reference this incident.

Nothing further,

Officer Munden 811/jm

Neira Ek Rodríguez

631 college Ave Storm Lake, IA 50577

Phone: 712-299-9258

Ekneira1@gmail.com

Date: June 04, 2025

To Whom It May Concern:

City of Storm Lake

Animal Control Department / City Clerk's Office

Storm Lake, IA

Subject: Appeal to Reconsider the Removal of Our Dog from the City

I am writing with profound respect and sincerity to formally appeal the decision to have our dog, Pancho, removed from the City of Storm Lake

First, I want to take full responsibility for the oversight in not having Pancho fully insight and creating an incident and not registered at the time of the incident. I understand and accept the seriousness of this matter and have already taken steps to correct it by updating all his medical records and starting the licensing process.

Pancho is more than just a pet in our home — he is an emotional support companion to my son, who suffers from anxiety and ADHD. Pancho's presence provides daily comfort and emotional stability to my son, helping him cope with challenges that often overwhelm him. Since Pancho has been away, my son's emotional health has already started to decline. He has been experiencing heightened anxiety and sadness, and it is deeply affecting our household.

In addition, Pancho has always been well-behaved in public. He regularly walks by the lake and has never shown aggression or reactivity toward other animals or people during those outings. This recent incident was completely out of character, and I believe it can be corrected through better training and oversight — which I am fully committed to. To support this, Animal Lake Hospital has provided a written statement about Pancho's overall good behavior and health. If needed, I am also fully willing to enroll him in professional training to ensure this never happens again. I am open to any recommendations or conditions the city may feel are necessary, including:

- Keeping Pancho in a fully secured and fenced area at all times which we have at home
- Maintaining current vaccinations and licensing at all times
- Providing ongoing behavioral training
- Sharing proof from the facility where he is currently staying, showing he has no signs of rabies or aggression
- Complying with follow-up inspections or conditions set by the city

Pancho is a deeply loved and important part of our family. We are not trying to avoid responsibility — we are simply asking for a second chance and the opportunity to show that we can do better and follow all city requirements from now on.

Thank you so much for your time, understanding, and consideration. I am happy to provide any additional documentation, including vet statements, proof of training plans, or speak in person if needed

Sincerely,
Neira Ek Rodriguez

Storm Lake City Council,

My name is Hannah Neumann, and I am the Stray Supervisor at Lake Animal Hospital. Pancho the German Shepherd was brought in to us on 5/29/25 for a rabies watch. I have been told by his owner, Neira, that Pancho was being watched by her mother at the time of the incident. I was told that the leash that he was tied to snapped, and he charged a stranger who was walking by the house and bit her. He is now in danger of having to be rehomed and removed from within the city limits of Storm Lake.

From my own interactions with Pancho and observations of how he interacts with others, I do not have reason to agree that he should be removed from the city limits. Pancho has been quiet, well-mannered, and calm. He allows me and my fellow staff members to leash, unleash, walk, pet, and guide him while showing no signs of stress or aggression. When on leash, he shows no visible signs of stress when someone else is approaching or walking by him. Relaxed ears, eyes, and body with a light pant and low-hanging tail is how Pancho conducts himself in every situation. Even when put into seemingly stressful circumstances like being surrounded by barking dogs or having to be guided back into his kennel and unleashed, he is accepting, calm, and respectful.

I do not believe that it was a coincidence that Pancho reacted out of character while also being watched by a family member that he doesn't normally deal with. From past conversations with Neira, she has Pancho well-trained and under control when he is under her watch. She also does very well with the dogs at LAH when she volunteers with us. I am not an expert on animal behavior, but I do have a basic understanding that dogs can be very sensitive to the energies of those around them. When familiar energies are removed and new energies are brought in, this can cause reactivity in some cases. Neira, his owner, that he interacts with regularly, most likely has energy that provides Pancho with a sense of confidence, security, and trust. Neira's mother, who was watching him that day, could have had different and unfamiliar energy that may have lowered his confidence, causing him to become reactive to a stranger approaching the home.

This was a one-time incident that I believe can easily be fixed, which would allow Pancho to stay with his loving owner where he belongs. By replacing the worn-out leash that snapped, encouraging those who will be watching Pancho in the future to develop a stronger bond with him, and possibly changing the way Pancho is allowed to be outside the home in Neira's absence to a more secure and controlled option, like only being leashed for walks rather than tied up outside for example, Pancho should not pose a risk to the public's safety.

Thank you for considering my observations and opinions, and I hope a decision is made with Pancho's best interest at heart.

Hannah Neumann
Lake Animal Hospital
107 W 16th St.
Storm Lake, IA 50588

SS.

COUNTY OF BUENA VISTA

Dated June 2, 2025

[printed name of such officer:]

[printed name of such officer]

on the 2nd day of June, 2025.





June 2, 2025

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

Ms. Neira Ek Rodriguez
631 College Drive
Storm Lake, IA 50588

RE: Order to Remove Vicious Dog from City Limits

Ms. Rodriguez,

On May 29 2025, it was reported that your dog, a black and brown German Shepherd was reported running at large and without provocation, attacked and bit both an adult female.

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 does meet the definition of a Vicious Animal and pursuant to Chapter 8-9 Dangerous and Vicious Animals. You will need to permanently remove the dog from city limits within (3) three days of this Order, which is June 2, 2025.

You may appeal this decision. 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 by 5:00 p.m. on June 5, 2025 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.

If the dog is not removed by June 5, 2025 and no request to appeal has been received, the dog will 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 cause the animal to be destroyed in a humane manner.

Respectfully,



Keri Navratil
City Manager



2 de junio de 2025

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

Sra. Nelra Ek Rodríguez
631 College Drive
Storm Lake, IA 50588

Asunto: Orden de retirada de un perro peligroso del término municipal

Estimada Sra. Rodríguez:

El 29 de mayo de 2025 se informó de que su perro, un pastor alemán negro y marrón, estaba suelto y, sin mediar provocación alguna, atacó y mordió a una mujer adulta.

Un animal peligroso se define como:

1. Que ha infligido lesiones graves a un ser humano, a menos que el animal se encontrara en las instalaciones de su propietario y:
 - a. El animal fuera provocado, molestado o atormentado; o
 - b. La víctima estuviera entrando sin autorización y tuviera más de siete (7) años de edad; o
2. Ha atacado y matado o causado lesiones incapacitantes a otro animal doméstico sin provocación mientras se encontraba fuera de las instalaciones de su propietario; o
3. Es propiedad o está acogido principalmente o en parte con el fin de participar en peleas en concursos o cualquier animal entrenado para tales peleas.

Tal y como se utiliza en el presente documento, una lesión grave incluye cualquier mordedura que rompa la piel de la víctima.

Las pruebas demuestran que su perro cumple la definición de animal peligroso y, de conformidad con el capítulo 8-9, Animales peligrosos y agresivos, deberá retirar permanentemente al perro de los límites de la ciudad en un plazo de tres (3) días a partir de la fecha de esta orden, es decir, el 2 de junio de 2025.

Puede apelar esta decisión. Para apelar dicha orden, debe presentar una notificación de apelación por escrito ante el secretario municipal en un plazo de tres (3) días a partir de la recepción de la orden contenida en la notificación de retirada del animal peligroso. Si no se presenta dicha notificación de apelación por escrito antes de las 5:00 p. m. del 5 de junio de 2025, se considerará que renuncia al derecho de apelar la orden del administrador municipal. La notificación de apelación deberá indicar los motivos de la misma y se entregará personalmente o por correo certificado al secretario municipal.

Si el perro no es retirado antes del 5 de junio de 2025 y no se ha recibido ninguna solicitud de apelación, el perro será confiscado y permanecerá en la perrera durante cinco (5) días. Si al final del período de retención, la persona no ha solicitado al Tribunal de Distrito del Condado de Buena Vista la revisión de dicha orden, el Administrador Municipal ordenará que el animal sea sacrificado de manera humanitaria.



Keri Navratil
Administradora Municipal

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: Michael Porsch
Michael 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