

## ORDINANCE 796

### AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH REGARDING ANIMAL CONTROL.

WHEREAS, the Animal Control Commission of the City of West Branch has recommended changes to Chapter 55 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 55.01 of the Code of Ordinances is hereby amended by adding the following definition:

“Bite wound – type” means

- a. Pre-bite. The animal gets aggressive but only snaps or bites into the air, with no contact with human skin.
- b. Near bite. The animal’s skin come into contact with human skin, but the bite does not puncture the skin.
- c. Shallow puncture. The animal punctures the skin, but only in the shallow layers of tissue.
- d. Multiple shallow punctures. The animal punctures the skin in multiple areas, but said multiple areas only penetrate shallow layers of skin.
- e. Deep puncture. A bite causing serious or severe injury, penetrating further than a shallow puncture.
- f. Death – The animal kills or consumes a person’s flesh.”

2. Amendment. Section 55.16(c) is hereby amended by deleting in its entirety and replacing with the following:

“Level 3 behavior is established if an animal, whether confined or at large, bites or causes physical injury less than serious injury to any person or other domesticated animal.”

3. Amendment. Section 55.16(D)(1) and (2) are hereby amended by deleting in their entirety and replacing with the following:

“1. An animal, whether or not confined, unprovoked or aggressively bites or causes wounds of deep puncture or greater, or

2. An animal, while at large, kills or causes wounds of deep puncture or greater to any domesticated animal; or”

4. Amendment. Section 55.16(B) is hereby amended by deleting all of the section after the first sentence in its entirety and replacing it with the following:

“The owner of the animal, or the offended party, may appeal the classification to the Animal Control Appeals Board within ten (10) days of receipt of the classification order. The owner or offended party may file notice of appeal and request for a hearing in writing by filing with the City Clerk. The hearing shall be held within 30 days of the receipt of said notice. Failure to appeal will result in the classification being final. After said hearing, the Board shall notify the appealing party of its ruling in writing within 10 days. The appealing party may file notice of appeal of the Board’s ruling with the Iowa District Court within ten (10) days of the date of the Board’s ruling.”

5. Amendment. Chapter 55 is hereby amended by adding Section 55.23, which reads as follows:

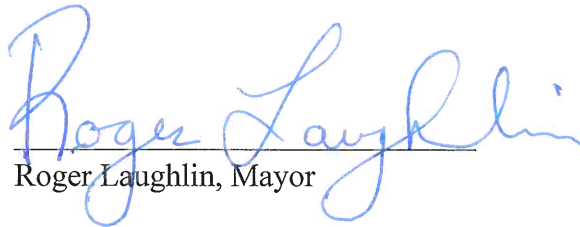
“55.23. Animal Control Appeals Board. The Animal Control Appeals Board will be comprised of three members appointed by the Mayor. The three members shall consist of the following: a veterinarian, a member of the City Council and a member of the Animal Control Commission. The City Attorney shall attend all meetings of the Animal Control Appeals Board.”

6. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.


7. Adjudication. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

8. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: July 5, 2022  
Second reading: July 18, 2022  
Third Reading: August 1, 2022

  
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Roger Laughlin, Mayor

ATTEST: \_\_

  
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Leslie Brick, City Clerk