



Agenda

Public Safety Committee

Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa

5:30 PM

November 12, 2024

Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Council Members: Karen Seeders, Anthony Ricchio, Lynda Payne, Dave Garrigus, Dave Lenz

Pledge of Allegiance

Discussions

- [1.](#) Consideration of a motion declaring Hanson's dog vicious.

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440

501 Rock Island Road
Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

Date: 10/10/2024

Name of Dog Owner: Abigail Hanson
Address of Dog Owner: 625 6th Ave NE Oelwein IA 50662
Oelwein, Iowa 50662

Dear Abigail Hanson:

This letter is to formally advise you that your dog that you possess, a Golden Retriever, is in violation of Section 19-26 of the Oelwein City Code. This section specifically describes and outlines procedures for the handling of vicious dogs.

Narrative:

On October 10, 2024, at approximately 1718 hours, I was dispatched to 700 7th avenue NE for a juvenile who was bit by a dog. While speaking to the parents of the victim, they informed me that while they were on a family walk, they witnessed the above noted dog run from the property located at 625 6th avenue NE and attack their daughter in the street. The incident was entirely unprovoked. The victim did sustain injuries and was treated at Mercy One in Oelwein. Photographs were taken of the injury and a statement was obtained from the victim's parents.

Oelwein City Code Section 19-26 describes a vicious dog as any of the following:

1. "Vicious Dog" means:
 - A. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
 - B. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - C. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - D. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Therefore, you are hereby directed, that within five (5) days of receiving this notice, excluding Saturday & Sunday, you shall:

- A. Register said vicious dogs pursuant to the terms and conditions of Section 19-29, (enclosed) or;
- B. Permanently remove said dogs from the City of Oelwein, and submit adequate proof of such removal, or;
- C. Destroy said dogs in an expeditious and humane manner, and submit adequate written documentation of such act.

You do have the right to appeal this declaration to the Oelwein City Council. That appeal needs to be made, in writing, within five (5) days, exclusive of Saturdays & Sundays and delivered to Oelwein City Hall, 20 2nd Ave S.W., Oelwein, Iowa 50662. If no notice of appeal is received within this time frame, it will be deemed that the appeal is waived. *An appeal of this declaration is separate from any possible pending court action that may be required for charges filed for, including but not limited to, Dog At Large, Disturbing the Public Quiet etc... Citations/charges will be addressed in magistrate court. The appeal of this declaration will be addressed by the Oelwein City Council.

If the vicious dog is not registered, removed or destroyed or if no appeal is received within five days, the City of Oelwein will impound the dogs and assess the costs against you.

Thank you for your time and anticipated expeditious response to this matter.

Respectfully,

Officer: Mathew Schuler 33-129
Oelwein Police Department

Enc. Vicious Animal Ordinance of the City of Oelwein.

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Jeremy P. Logan
Chief of Police

Cc: Chief of Police, City Hall, File 24-006563

SECTION 19-26. DEFINITIONS.

As used in Sections 19-26 through 19-33, inclusive, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. “Vicious Dog” means:

- A. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
- B. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- C. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- D. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

2. “Enclosure” means a fence or structure of at least six feet “6’) in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. Any gates or access to the enclosure shall be self closing and equipped with a keyed or combination locking device.

3. “Animal Control Officer” means the Animal Control Warden, the Chief of Police or the Chief’s designee.

4. “Impounded” means taken into custody by the Animal Control Officer.

5. “Persons” means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership or trust.

SECTION 19-27. VICIOUS DOG – DESIGNATION.

In the event that the Animal Control Officer has probable cause to believe that a dog is vicious, said officer shall notify, in writing, by personal service or certified mail, the owner and keeper of said dog, that said dog has been declared a vicious dog.

The written notice shall include:

- 1. Description of the dog, to the extent possible;
- 2. State that the dog is vicious pursuant to the provisions of this chapter;
- 3. State that within five (5) days, exclusive of Saturdays and Sundays, from the receipt of notice the owner or keeper of the dog shall:
 - A. Register said vicious dog pursuant to the terms and conditions of Section 19-29 below, or;

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- B. Permanently remove said dog from the city of Oelwein, and submit adequate proof of such removal, or;
 - C. Destroy said dog in an expeditious and humane manner, and submit adequate written documentation of such act.
4. State that the owner or keeper of the dog may appeal the decision of the Animal Control Officer to the City Council, in writing, within five (5) days, exclusive of Saturdays and Sundays. The notice shall further advise that in the event there is no written notice of appeal filed with the City Clerk within five (5) days, exclusive of Saturdays and Sundays, the right to appeal will be deemed waived and the decision of the Animal Control Officer will be conclusively presumed.
5. State that if the vicious dog has not been registered, removed or destroyed or if no appeal is requested within the five (5) days, exclusive of Saturdays and Sundays, the city will impound the dog and assess the costs against the owner and keeper of the dog.

SECTION 19-28. APPEALS.

Any owner or keeper of a dog that has been declared vicious may appeal to the City Council for review. The appeal must be in writing and received by the City Clerk within five (5) days, exclusive of Saturdays and Sundays, of the Animal Control Officers notice. The City Council shall, within fourteen (14) days of receipt of the appeal, fix the time and place of the hearing, which shall be within thirty days after the filing of the appeal. The City Council, after hearing such testimony and evidence as it may deem proper, shall render its decision. The decision of the City Council shall be final and the Animal Control Officer shall take such action as is necessary to carry out such decision.

In the event that the Animal Control Officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Animal Control Officer may seize and impound the dog pending the appeal. The owner or keeper of the dog shall be liable to the City of Oelwein for the costs and expenses of keeping such dog if the dog is found to be a vicious dog.

SECTION 19-29. REQUIREMENTS FOR REGISTRATION.

1. No vicious dog shall be licensed by the City of Oelwein for any licensing period commencing after the effective date of this ordinance unless the owner or keeper of such vicious dog shall meet the following requirements:
- A. The owner or keeper shall present to the city or town clerk or other licensing authority, proof that the owner or keeper has procured liability insurance issued by an insurance company licensed to do business in the State of Iowa, in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the city or town to be named as additional insured for the sole purpose of the city or town clerk or other licensing authority where such dog is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.
 - B. The owner or keeper shall cause the vicious dog to be identified by means of a special blaze orange collar visible from a distance of 100 feet, which the dog must wear at all times.
 - C. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the public highway.
 - D. The owner or keeper shall sign a statement attesting that:
 - 1. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.
 - 2. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.
 - 3. The owner or keeper shall notify the licensing authority and the animal control warden immediately if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has

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been sold or given away. If the vicious dog has been sold or given away the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious dog.
2. The Animal control Officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.



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In the event that the owner or keeper of the dog refuses to surrender the animal to the officer, the officer may request a police officer to obtain a search warrant to seize the dog upon execution of the warrant. Notwithstanding any other provisions of this code, any person in possession of a vicious dog upon the effective date of this ordinance shall have fourteen days to amend any current license application to show compliance with Section 19-29 of this code.

SECTION 19-30. CONTROL OF VICIOUS DOGS.

All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the animal control warden with respect to the vicious dog, or to comply with the provisions of Section 19-27(3) of this Chapter. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

SECTION 19-31. PURPOSE OR INTENT - - HARBORING.

No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals. No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the city any vicious dog.

SECTION 19-32. PENALTIES FOR VIOLATION.

1. Any owner or keeper of a dog violating any of the provisions of this chapter shall, upon conviction, be guilty of a municipal infraction. Each day that a violation occurs or is permitted to exist by the violator, constitutes a separate offense.
2. If any dog previously declared to be a vicious dog, shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious dog, or while otherwise, on or off the property of the owner or keeper whether or not such vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without fault of the owner or keeper, the owner or keeper of such dog shall be guilty of a municipal infraction. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious dog in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner or keeper of such vicious dog knew that such vicious dog possessed the propensity to cause such damage or that the vicious dog had a vicious nature. Upon such attack or assault, the Animal Control Officer is empowered to confiscate and, after expiration of a five (5) day waiting period exclusive of Sundays and holidays, shall destroy said vicious dog.

Dear City Council Members,

We are writing you this letter to give you a written appeal to the recent police report describing our purebred Golden Retriever, Willow, as a vicious dog.

Willow is a very docile dog. She is three years old and has grown up together with our three year old child. We have two children ages three and two that were outside at the time of the incident. Willow is very protective of our children. She has never been unkind or aggressive towards anyone who has shown her kindness, respect, and love. She is the sweetest and most caring animal but Willow is very protective of our children. We have nieces and nephews ranging from the ages of 4 months to 8 years old and Willow has been nothing but excited and kind when they visit.

This incident occurred when the girl ran through the corner of our yard from her back yard to a friend who had called her over. From the information we have been given, there was no need for medical intervention after this incident due to the need for only a Band-Aid. Willow solely felt the need for protecting our young children that were outside at the time.

This is not our first incident with this family. In summer of 2022 our boys were out playing in our backyard with Willow. This family's black dog took off running into our backyard to the opposing side farthest from their house after our children. My husband and I were both outside at the time. Willow was very quick to protect our boys by stopping this dog right before it made it to them. I understand her need for protecting our children.

Another incident occurred when their dog came into our garage in October 2022 while we were outside unpacking from a trip. It proceeded to urinate all over our air mattress that was sitting just inside the garage. We had to throw it out. Willow was in our garage with us at that time as well. We have never called the police about these incidents because we would never want to put a family in the situation we are currently facing. Dogs have a very good memory. Willow felt the need to protect our boys.

We had an underground dog fence put in the spring on 2022. Willow has never crossed that line since this fence has been put in. She has been outside at the same time that this family has been playing in their backyard. Willow will go sit near the edge of our property, within the dog fence, and watch the neighbors. She has never once broken out into their yard, but simply just watches.

In the police report, the parents stated they were on a family walk at the time of the incident. That information is false. They were in their backyard at the time. I spoke with another neighbor and her daughter directly after this incident occurred. The daughter was outside riding her bicycle at the time this transpired. I was told that the young girl was in her backyard. Once her friend yelled the young girl's name, she proceeded to take off in a sprint across the edge of our property, within the underground dog fence, in order to get to the road in front of our home where the girl was riding her bicycle. Her friend believes that when she yelled for the young girl and she began to run, it frightened Willow. She also stated that as soon as the young girl was away from our yard, Willow went to sit directly in front of our porch.

Unfortunately, we do not have cameras in order to prove exactly what occurred on 10/10/2024. Willow could have nipped at this young girl while she was crossing the corner of our yard. The minute I heard crying, I was out of our front door and onto the porch. The young girl was in the neighbor's yard across our street, and Willow was sitting in front of our porch. I

said her name, and she came directly into the house. I then proceeded to yell for our children, and they came right into the house as well.

When police officer Schuler returned to our residence at approximately 10:10pm on 10/10/2024, Willow was not aggressive toward him. She sat in our kitchen and was calm and quiet while looking out of our front door at him the entire time he was speaking with us.

We have taken Willow to Amber Avila, owner of Doggie Doo's grooming salon in Oelwein. She had nothing but positive things to say in regards to Willow after her very first grooming appointment, as is noted in her testimonial on Willow's behalf. Jerry Bond is the owner of Paw Laws, dog training and boarding. We took Willow to him for a week the end of July into early August. He has also written a testimonial on Willow's behalf. While she was with him, his five year old daughter let Willow in and out of her kennel.

We strongly encourage you to take this into consideration during your decision as our family, especially our children, have been in tears for the past few days at the prospect of losing a member of our family.

Sincerely,

Justin Hanson



Abbey Hanson

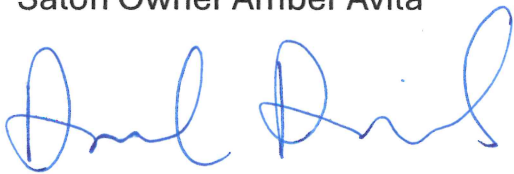


To whom it may concern,

On behalf of Doggie Doo's grooming salon in Oelwein, IA we have checked in Willow as the breed of Golden Retriever on 8/7/2024 and has had no problems with her in our salon. She is a very well-behaved dog meanwhile grooming in itself can make a dog very nervous and she fit in just well for her first experience with us. As the salon owner I have not met Willow before, and she did extremely great with the process including a new person handling her for about three hours. On this same day of her groom we did have one other dog in the salon and she had no signs of curiosity and acted as if it was not there. Doggie Doo's does have the right to refuse service to any pet that may cause harm to itself or us and our top priority is to keep all of our pets in the salon safe and happy. Willow shows no sign of aggression or threatening behavior as I enjoy having her at the salon, she is very sweet and loving. We look forward to seeing her again! If there are any questions or concerns please feel free to contact us at the salon.

In best of regards,

Salon Owner Amber Avila



Phone: 563-363-2283

Email: Doggiedoosandplay@gmail.com

Address: 1101 South Frederick Ave

Oelwein, IA



DOGGIE DOO'S

YOUR PET. OUR CARE.

Est. 2014

PAW LAWS TRAINING & BOARDING, LLC

18792 80th Street Maynard, Iowa 50655

563-920-7620/ 319-242-1769

Aggressive Dog Evaluation with Recommendations:

I, Jerry Bond, of Paw Laws Training & Boarding LLC have been called upon to do a evaluation of a dog that has been deemed vicious due to a bite that took place in the city of Oelwein. Some of my credentials include working with and training sport dogs in the practice of high-level obedience, tracking work and protection work, I have also attended and completed the Tom Rose School which is a school for dog trainers that work in the areas of Obedience, tracking, scent, protection work, and management.

I did an evaluation of a dog named Willow, who is a three year old golden retriever that is owned by Justin and Abbey Hanson of Oelwein, Iowa. Willow is a dog with lots of personality who has only been boarded once in her lifetime which was with us at Paw Laws Training and Boarding.

During that time Willow exhibited signs of being nervous which was likely due to never having been boarded before and is typical behavior with no socialization to being in a boarding kennel. She preferred all care to be done by my wife, Abby and loved interacting with our 3YO son, Jagger, 5 YO daughter Jhetta, and 8 YO daughter Journey. Willow showed no signs of aggression while she was here and had never bit anyone before the incident that occurred on October 10, 2024, when she nipped a girl in the ankle, who had been running through the Hanson's yard to get to her neighborhood friend. Justin and Abbey both know that a bite of any sort is not acceptable and have been proactive about seeking assistance by asking for this evaluation and some obedience training. In my recommendation, I would say Willow would benefit from completing an obedience course which the Hanson's are willing to do. Based on previous encounter with Willow we noted no signs of aggression. She is a well-loved pet and she and her family would benefit from an opportunity to prove this to the city council. If you have any questions regarding the evaluation please do not hesitate to reach out, my contact information is provided in the letter head.

Thanks for your time and consideration

