



Agenda

Public Safety Committee

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

5:15 PM

February 24, 2020
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Warren Fisk

Council Members: Matt Weber, Renee Cantrell, Tom Stewart, Charles Gerdts, Rex Ericson

Pledge of Allegiance

Discussions

- [1.](#) Armstrong Vicious Animal Hearing
- [2.](#) Coffelt Vicious Animal Appeal

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: 12/19/2019

Shawn W Armstrong
416 5th AVE NE
Oelwein, Iowa 50662

Dear Shawn Armstrong:

This letter is to formally advise you that your dog that you possess, a Black Pitbull 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.

On December 19, 2019, your dog entered not only the yard, but also the garage of 413 4th AVE NE. As your dog was in the garage of your neighbor's house it attacked her dog causing minor injuries to its back. The dog that fell victim to your dog received one small cut/puncture wound to its back. After the dogs were separated by Charity Heller the home owner, she reported that your dog a back Pitbull snipped at her causing her to be in fear of her safety before it ran out of her garage. 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,

Brandon DeJong
Oelwein Police Department

Enc. Vicious Animal Ordinance of the City of Oelwein.

Cc: Chief of Police, City Hall, File 19-08774

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Chief of Police

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;
 - 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

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Chief of Police

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 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.

501 Rock Island Road
Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

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.

re-write

Bronx is a very nice, protective dog. he is very good with & around my children. while my children were sleeping he stayed by them the whole night, like it was his job even tho there was nothing harmful in or around the house. If he bit another dog I'm sure it wasn't by threat he most likely wanted to play but with him being bigger than the other dog he didn't know how to play with a smaller dog & ~~that's~~ the lil dog got scared & that's probably how a little scrap got on the little dog's back. Shawn always locks his gate ~~when~~ ^{before} he lets his dog out & always makes sure it is locked so his dog does not get out.

years ago I had a dalmatian & she bit a person that was warned not to go by her with rollerblades/skateboard but the person didn't listen & he got bit we had to get an orange collar & put Beware of dog sign in our windows. & if she bit someone again then she would've been put down by the police but she didn't.


319-983.4311

I am asking for sympathy in this situation for not only my dog but for me. ~~He~~ He is very loving, loyal, nurturing and protective. He is my best friend and my service animal.

He has never bit another human. He is very protective over children and women and handicap people. If ~~there is~~ there is a child or a woman or a handicap in the area, he comforts them.

I live right by the pool and I have a fence around my house. I have lived here for 2 yrs and never has there been an incident w/ anything of the sort. I'm not excusing his actions or behavior. Somebody opened the gate in the middle of the night and did not secure it. I did not know he was roaming.

I'm begging to have the chance to show he is not a danger to anyone or anything.


Shawn Armstrong, 416 5th Avenue NE

Oelwein Police Department
Voluntary Statement

ITEM #1.

Statement of: Last, First: Heller, Charity S.
Address: 413 4th Ave NE City: Oelwein State: IA
DOB: 01/27/1993 SSN: _____ Phone #: 319-238-1828
Statement taken by: _____

On Friday December 20, 2019 at approximately 11:00pm, my dog was attacked by my neighbors' dog. When the incident occurred, I had just brought my female Belgian Malinois, Nike, outside to go to the bathroom and play ball.

Nike and I walked out of my garage, onto the cement patio in my backyard. Nike walked out into the grass, as I stood at the edge of the patio. Nike all of a sudden nonchalantly walked back into the garage and stood at the door to go inside. I found this unusual because she prefers to be outside. I called her to come back outside and she didn't move.

All of a sudden, I heard a jingling noise and saw my neighbor's, Sean Armstrong's, dog running through my backyard. I yelled at it to "get out of here," but it ran right past me and into my garage. I turned around and saw Armstrong's dog, a black Pitbull mix, bite and latch onto my dog's back. Nike did not even fight back, she just kept waiting to be let into the house. I ran in and yanked up on the dog's metal collar as hard as I could and at this point the dog released Nike. I yelled for my wife to come open the door but she didn't hear me. I was able to hold the dog back by its collar with my left hand and opened the door to the house with my right. After Nike ran inside, I released the dog's collar for a moment before attempting to regrip the collar to drag the dog out of my garage. As I reached out for the collar, the dog turned and snapped at me, just missing my hand by inches.

The dog sniffed for a few seconds and then ran out. I could hear Armstrong running into my yard while yelling for his dog. I slammed the garage door shut as soon as the dog exited. When back inside, I explained to my wife what just took place. She stated she didn't even hear me yell for her because she had been in the bathroom with our 2-year-old daughter.

When I found Nike, she was in her dog bed in our room, shaking uncontrollably. I found a puncture wound on her back that was bleeding profusely. I disinfected the area, applied pressure until the bleeding subsided and applied a pain reliever.

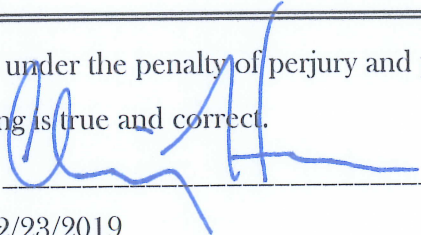
I was a little unsure about reporting it to the police department, but chose to because there was already one incident during the summer of 2019 that occurred with this same dog. The reason I did not report the incident from the summer was because we had been in the neighbor's fenced in area when it happened.

Armstrong had struck up a conversation with me, while I was outside with my daughter and my dog. I told Armstrong we were getting ready to go fishing and he offered to give us a fishing pole and tackle box of lures to use. My daughter, Nike and I walked over into his fenced in area to retrieve the fishing gear. The screen door on Armstrong's house apparently wasn't locked and his black Pitbull mix came out and began attacking my dog. I could not intervene as I was trying to stand in front of my daughter to protect her. Armstrong tried to break it up but my dog ran out of the fenced in area and his dog followed. Armstrong ran after them and I started screaming for my wife who was in our garage. As soon as it was "safe," I picked up my daughter and headed towards our house to ensure everything was okay.

Armstrong's dog had followed my dog into our backyard and did not stop until Armstrong dove and tackled his dog. Armstrong had to lay on his dog to hold him down while we got Nike inside. Nike suffered similar puncture wounds during this incident.

My biggest fear is that his dog will attack my daughter, or someone else's child as we live directly by the pool and a block down from the Wings Park playground. Many people walk their dog's and families by our area during the nicer months, and I feel that this dog is a huge safety risk to the public.

I certify under the penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Signed:  _____

Date: 12/23/2019

Witness: _____

5:45 28th

ITEM #2.

December 9, 2019

TO Whom it May Concern

I'm ~~am~~ appealing the vicious dog to remove my dog. He is my emotional support dog and seizure dog to my 5 year old son Chris. He is not a vicious dog. He just protects his property and kids. We had a neighbor that was 10 and not listen to me I told her to leave the dogs alone as they were in a kennel. He thought the kids were endangered so he was doing his job. The lady that got bit I'm paying her medical bills and paying a fine + I paid 500 dollars to get him out of the pound. All I was told was to get him out of Anderson so I did. Didn't think I would have to go thru this again. I have kids and people over here all the time and he has not bitten anyone. He just does his job.

Thanks

Tom Coffelt

Kimberly Coffelt
21 2nd Ave SE
Oklahoma
319-333-8435

Oelwein Police Department

ITEM #2.

501 Rock Island Road
Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

Date: 12/4/19

Kimberly and David Coffelt
21 2nd Ave SE
Oelwein, Iowa 50662

COPY

Dear David and Kimberly:

This letter is to formally advise you that your dog that you possess, a brindle in color American Staffordshire/ mix breed dog named Duke, which 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.

On 6/25/19 you were cited for having a vicious dog by the Independence Police Department. This citation came after several other incidents with the same dog. On 7/11/19 you appeared in the district court in Buchanan County (see disposition of case#01101INCICV009740) and admitted to the offense. See the attached documentation from the city of Independence and the district court. See Oelwein code section 19-26 (B)

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

I. "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,



Lieutenant David J. Niedert
Oelwein Police Department

Enc. Vicious Animal Ordinance of the City of Oelwein.

Cc: Chief of Police, City Hall, File 19-8409

501 Rock Island Road
Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

SECTION 19-26. DEFINITIONS.

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1. "Vicious Dog" means:

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- 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;
 - 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.

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Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

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 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.

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Oelwein, Iowa 50662

Jeremy P. Logan
Chief of Police

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. 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.



IOWA INCIDENT REPORT
INDEPENDENCE POLICE DEPARTMENT
 2349 JAMESTOWN AVE. SUITE 3
 INDEPENDENCE, IA 50644
 (319) 334-2520

Case Number
 18-002413
 Date/Time of Report
 3/17/2018 12:58 Hrs
 Status
 01 - ACTIVE

ITEM #2.

SUMMARY

County BUCHANAN - 10		Report Type		ORI Number IA0100100	
Is Date and Time of Incident Known? Yes	Incident Date or Lower Date Range 03/15/2018	Upper Date Range	Incident Time or Lower Time Range 10:00	Hrs.	Upper Time Range Hrs.
Day of Week Incident Occurred THURSDAY		Exceptionally Cleared N - NOT APPLICABLE		Date Cleared Exceptionally	

INCIDENT REPORTED BY

Was Incident Reported by a Victim? YES	Reporting Victim's Sequence No. 001	Name - Last MCINTEER	First JOANNE	Middle	Suffix
Business Name (if Incident was Reported by a Business)		Address			
City INDEPENDENCE	State IA	Zip Code 50644	Home/Cell Phone	Work Phone	

OFFENSE 001

Seq No 001	Ordinance LOCAL	Code Section IN/56.02	UCR Offense Code ALL OTHER OFFENSES - 90Z		
Charges/Offense VICIOUS DOGS					Attempted/Completed C - COMPLETED
Type of Criminal Activity (up to 3)					
Type of Weapon/Force Involved (up to 3)					Gang Information (up to 2)
No. of Premises Entered	Method of Entry	Offender Suspected of Using (up to 3) N - NOT APPLICABLE			

LOCATION OF OFFENSE

Location Type 20 - RESIDENCE/HOME	X Coordinate	Y Coordinate
Literal Description 600 BLK 4TH AVE NE		

VICTIM 001

Type of Victim I - INDIVIDUAL	Sequence No. 001	Name - Last MCINTEER	First JOANNE	Middle	Suffix
Business/Organization/State/County/Municipality Name		Address		City INDEPENDENCE	State IA Zip Code 50644
Phone	Alias(es)				
DOB Known? YES	DOB 10/08/1936	Age or Lower Age Range 81	Upper Age Range	SSN	Resident Status R - RESIDENT
Driver's License - Number	State IA	Gender F - FEMALE	Height 5' 01"	Weight 110 LBS	Eye Color BROWN - BRO Hair Color
Skin Tone FAIR - FAR	Race W - WHITE	Ethnicity N - NOT OF HISPANIC ORIGI		Scars/Marks/Tattoos	
Type of Injury (up to 5)					

EMPLOYMENT OR SCHOOL INFO

Employer or School	Occupation			
Address	City	State	Zip Code	Work Phone

VICTIM CONNECTED TO UCR OFFENSE CODES

UCR Offense Code 1 ALL OTHER OFFENSES - 90Z	UCR Offense Code 2
UCR Offense Code 3	UCR Offense Code 4
UCR Offense Code 5	UCR Offense Code 6
UCR Offense Code 7	UCR Offense Code 8
UCR Offense Code 9	UCR Offense Code 10

ADDITIONAL OFFENSE CIRCUMSTANCE INFO

Aggravated Assault/Homicide Circumstances (up to 2)
Additional Justifiable Homicide Circumstances

VICTIM'S RELATIONSHIP TO OFFENDER(S)

ITEM #2.

First Offender Seq. No. 001	Victim's Relationship to First Offender ST - VICTIM WAS STRANGER	Second Offender Seq. No.	Victim's Relationship to Second Offender
Third Offender Seq. No.	Victim's Relationship to Third Offender	Fourth Offender Seq. No.	Victim's Relationship to Fourth Offender
Fifth Offender Seq. No.	Victim's Relationship to Fifth Offender	Sixth Offender Seq. No.	Victim's Relationship to Sixth Offender
Seventh Offender Seq. No.	Victim's Relationship to Seventh Offender	Eighth Offender Seq. No.	Victim's Relationship to Eighth Offender
Ninth Offender Seq. No.	Victim's Relationship to Ninth Offender	Tenth Offender Seq. No.	Victim's Relationship to Tenth Offender

SPECIAL CIRCUMSTANCES

Not Applicable Bias Crime Domestic Abuse LEOKA

BIAS CRIME

Bias Motivation	Target Code
Bias Group Affiliations	

DOMESTIC ABUSE

Children Present?	Seq. No. of Domestic Abuse Offender	Domestic Abuse Referrals (up to 6)
-------------------	-------------------------------------	------------------------------------

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED

Officer Killed or Assaulted	Type of Assignment
Body Armor	Call Type

END OFFENSE 001

OFFENDER 001

Type of Offender 01 - Offender	Sequence No. 001	NIBRS Offense Sequence Numbers 001	Lesser Offense Sequence Numbers
Name - Last COFFELT	First KIMBERLY	Middle ANN	Suffix
Alias(es)			
Address 606 4TH AVE NE	City INDEPENDENCE	State IA	Zip Code 50644
Home Phone			
DOB Known? YES	DOB	Age or Lower Age Range	Upper Age Range
SSN	Resident Status R - RESIDENT		
Driver's License - Number	State IA	Gender F - FEMALE	Height 5' 05"
Weight 280 LBS	Eye Color HAZEL - HAZ	Hair Color BROWN - BRO	
Skin Tone FAIR - FAR	Race W - WHITE	Ethnicity N - NOT OF HISPANIC ORIGIN	
Scars/Marks/Tattoos	Offender Present When Officer Arrived? YES		
Type of Injury (up to 5) N - NONE			

EMPLOYMENT OR SCHOOL INFO

Employer or School	Occupation			
Address	City	State	Zip Code	Work Phone

ARREST INFO

Offender Arrested? NO	Arrest Trans. Booking No.	Type of Arrest	Arrest Date	Arrest Time Hrs.
Associated Offense Sequence No.	Miranda By	Miranda Date	Miranda Time Hrs.	
Arrestee Condition	Arrestee Armed With (up to 2)			
Place of Birth	Multiple Arrestee Indicator	Additional Incidents Cleared		

JUVENILE INFO

Parent/Guardian Contacted?	Name - Last	First	Middle	Suffix
Address	City			State
Home Phone	Work Phone	Juvenile Arrestee Disposition		

END OFFENDER 001

OFFICER'S INVESTIGATIVE NOTES

ITEM #2.

On Friday March 16th 2018 when I arrived at the police department at the beginning of my shift I had a statement form on my desk. The form was filled out by Joanne McInteer, in her statement McInteer said that on Thursday March 15th she was walking by 606 4th Ave NE said that a large dog ran up to her and bit her in the leg, McInteer said that she put her arms out in front of her to keep the dog away from her and began yelling for help. McInteer said that someone came out of the residence at 606 4th Ave NE and grabbed the dog, the individual that came out was later identified as Kimberly Coffelt (REDACTED). McInteer said that Coffelt had apologized and brought the dog inside, McInteer said that she told Coffelt that the dog had bit her as McInteer walked away. I did go and speak with McInteer about the incident and to make sure she was alright. McInteer said she was fine and that when the dog bit her the dog did not break any skin. McInteer said that it just scared her because it was so aggressive towards her, and that she just wanted to report the incident so there was documentation in case it happened again. Around 20:15 I went to 606 4th Ave NE to speak with the dog's owner, Coffelt said that the dog was hers and that the dog "Duke" had broken the leash that he was on when the attack happened. Coffelt said that she had asked McInteer if she was alright but that McInteer just kept walking. Coffelt said that she brought Duke inside and then brought the other dog "Wolf" inside, Wolf is a husky. I told Coffelt that I would be taking the dog to pipestone and that she would be cited for having a vicious dog and that she would need to meet with Chief Dallenbach Monday morning. Coffelt said that she understood. A leash was then secured to Duke and Coffelt and I walked Duke outside so that he would get into my car. I then transported Duke to Pipestone Velerinary Clinic. Nothing further at this time.

OFFICER

Complainant/Reporting Party Signature

112 *Kayla Cornwell*

Reporting Officer CORNWELL KAYLA	Badge Number C4227	Supervisor	Badge Number
Video Taken? (Check All That Apply) 00 - NONE	Evidence Seized? NO	Photos Taken? NO	
Incident Assigned To CORNWELL			



INDEPENDENCE POLICE DEPARTMENT
 2349 JAMESTOWN AVE. SUITE 3
 INDEPENDENCE, IA 50644
 (319) 334-2520

Case Number	ITEM #2.
18-002413	
Date/Time of Report	
3/17/2018 12:58 Hrs	
Status	
01 - ACTIVE	

PUBLIC RELEASE

S U M M A R Y	County	Report Type	ORI Number
	BUCHANAN - 10		IA0100100
	Is Date and Time of Incident Known?	Incident Date or Lower Date Range	Upper Date Range
	YES	03/15/2018	
	Incident Time or Lower Time Range	Upper Time Range	
	10:00 Hrs.	Hrs.	
Day of Week Incident Occurred	Exceptionally Cleared	Date Cleared Exceptionally	
THURSDAY	N - NOT APPLICABLE		

OFFENSE 001

Code Section	Charges/Offense	Attempted/Completed	Type of Criminal Activity (up to 3)
N/56.02	VICIOUS DOGS	C - COMPLETED	
Type of Weapon/Force Involved (up to 3)	Method of Entry	No. of Premises Entered	Gang Information (up to 2)

LOCATION OF OFFENSE

Location Type	Literal Description			
20 - RESIDENCE/HOME	600 BLK 4TH AVE NE			
Type of Victim	Name - Last	First	Middle	Suffix
I - INDIVIDUAL	MCINTEER	JOANNE		
Business/Organization/State/County/Municipality	Address	Resident Status		
		R - RESIDENT		
City	State	Zip Code		
001 INDEPENDENCE	IA	50644		

END OFFENSE 001

O F F E N D E R	Offender Arrested?	Name - Last	First	Middle	Suffix
	NO				
	Alias(es)				
	Address				
	City		State	Zip Code	
DOB Known?	Age	Gender	Height	Weight	Eye Color
001					

REPORT SUMMARY



INDEPENDENCE POLICE DEPARTMENT

ITEM #2.

2349 Jamestown Ave. Suite 3

Independence, Iowa 50644

(OFFICE) 319-334-2520 * (FAX) 319-334-6747

Voluntary Statement

Date of Statement: 3-16-18

Incident#: 18-002413

Time of Statement: _____

NAME: Joanna M. Steen

Page of

ADDRESS: 

DOB: _____ SSN/DLN: _____ PHONE #: 

Yesterday while walking on the sidewalk on 4th Ave NE
 in the late block as dawn dark the starting attached
 are actually hitting my the first didn't break the skin.
 I crossed my arm in front of me + said no-no I was
 really scared because he was so aggressive. I started
 yelling help help. Finally a lady appeared at the door
 + told it to get in there it jumped at me, me, but
 then I then went into the house to another area I
 told her it bit me + she said sorry. It did bleed a
 long time, cleaning several it so I believe it bit out. I
 and report this just to have your record so if there
 is any more complaints in the future.



I certify under the penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct.

Joanna M. Steen
Signature

IN THE IOWA DISTRICT COURT FOR BUCHANAN COUNTY

CITY OF INDEPENDENCE, IOWA,

Plaintiff,

vs.

KIMBERLY COFFELT,

Defendant.

Case No. INCICV009415

**MOTION TO CONTINUE AND
MEMORANDUM OF DEFERRED
PROSECUTION AGREEMENT**

The parties jointly request that trial of this matter be continued until March 19, 2019 to allow the parties to address the charge(s) in the manner set forth below:

1. On March 16, 2018, the Defendant was charged with harboring or keeping a vicious dog in violation of Independence Code of Ordinances Section 56.02. The City filed its municipal infraction citation to initiate this case on March 19, 2018.

2. The parties have reached a deferred prosecution agreement on this charge.

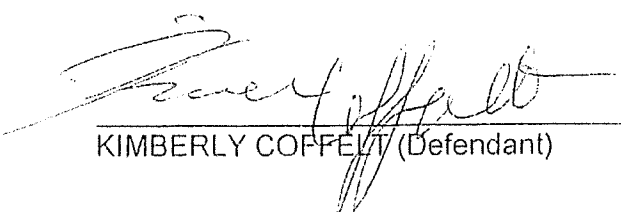
3. In the event the dog currently owned by Defendant is charged with a violation of any provision of the Animal Quarantine Requirements Agreement attached hereto as Exhibit 1, or any City/State ordinance prior to March 19, 2019, Defendant agrees to plead guilty to the charged violation upon the City filing an Application for same with this Court, and that the full fine of \$750.00 plus court costs shall be imposed pursuant to City Code § 4.03(1).

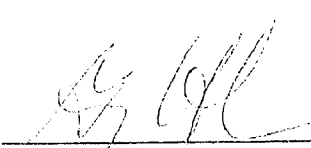
4. Defendant agrees to pay a civil penalty of \$150.00 plus all impoundment costs associated with the dog that is the subject of these proceedings immediately upon execution of this agreement.

5. The remaining portion of the fine for this offense, \$600.00, shall be suspended until the date specified above. If no further violations constituting a breach of this agreement occur by said date, the suspended portion of the civil penalty shall be forgiven.

6. The Defendant is knowingly and intelligently entering into this agreement and requesting the court accept this deferred prosecution agreement

7. By signing below the parties agree that court costs shall be assessed to the Defendant.


KIMBERLY COFFELT (Defendant)


GREGORY T. USHER, AT0012892

of
LYNCH DALLAS, P.C.
526 2nd Avenue SE
P.O. Box 2457
CEDAR RAPIDS, IA 52406-2457
Telephone: (319) 365-9101
Facsimile: (319) 365-9512
E-mail: gusher@lynchdallas.com

ATTORNEYS FOR CITY OF
INDEPENDENCE, IOWA



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
 NOTICE OF ELECTRONIC FILING OR PRESENTATION [NEF]

A filing has been submitted to the court RE: INCICV009415

Judge:

Official File Stamp: 03-22-2018:13:22:34
 Court: TRIAL COURT
 Buchanan
 Case Title: INDEPENDENCE VS COFFELT, KIMBERLY
 Document(s) Submitted: APPEARANCE
 Filed by or in behalf of: Gregory T. Usher

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

The following people were served electronically:

LYNCH DALLAS

PARTIES NOT SERVED BY EDMS

The Iowa Electronic Document Management System will not serve the following parties because they are not registered filers. Per rule 16.317(1)(b), the filing party must serve a paper copy of the filed document(s) on the following parties in the manner required by Iowa Court Rules. *

INDEPENDENCE CITY OF
 KIMBERLY ANN COFFELT

Note: The rules define the clerk of court as responsible for service of court-generated documents. Additionally on small claims cases that by statute can be served by certified mail, when the filer has selected and paid for certified mail in the electronic filing system or at the clerk of court office, the clerk of court is responsible for service of the original notice and answer and appearance by certified mail in accordance with the Code of Iowa.

*The moving party or the individual who filed it is responsible for service of a document if it was not served by the electronic filing system. That includes, but is not limited to, service of all petitions and original notices [rule 16.316(3)], service of documents on all parties seeking to intervene in confidential cases [16.321(1)(c)], and service of all documents on non-registered parties [16.317(1)(b)].

18-002

ITEM #2.



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING OR PRESENTATION [NEF]

A filing has been submitted to the court RE: INCICV009415

Judge:

Official File Stamp: 03-22-2018:15:42:49

Court: TRIAL COURT
Buchanan

Case Title: INDEPENDENCE VS COFFELT, KIMBERLY

Document(s) Submitted: MOTION FOR CONTINUANCE AND DEFERRED PROSECUTION AGREEMENT
PROPOSED ORDER FOR CONTINUANCE PURSUANT TO DEFERRED PROSECUTION AGREEMENT

Filed by or in behalf of: Gregory T. Usher

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

The following people were served electronically:

LYNCH DALLAS
GREGORY THOMAS USHER for INDEPENDENCE CITY OF

PARTIES NOT SERVED BY EDMS

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KIMBERLY ANN COFFELT

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***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING OR PRESENTATION [NEF]

A filing has been submitted to the court RE: INCICV009415

Judge:

Official File Stamp: 03-26-2018:08:17:32
 Court: TRIAL COURT
 Buchanan
 Case Title: INDEPENDENCE VS COFFELT, KIMBERLY
 Document(s) Submitted: ORDER FOR CONTINUANCE REVIEW HRG 3/19/19 9:30 AM; CC: DEFT
 3/26/18
 Filed by or in behalf of: Julian West

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

The following people were served electronically:

LYNCH DALLAS
GREGORY THOMAS USHER for INDEPENDENCE CITY OF

PARTIES NOT SERVED BY EDMS

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KIMBERLY ANN COFFELT

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IN THE IOWA DISTRICT COURT FOR BUCHANAN COUNTY

CITY OF INDEPENDENCE, IOWA,

Plaintiff,

vs.

KIMBERLY COFFELT,

Defendant.

Case No. INCICV009415

**ORDER GRANTING CONTINUANCE
PURSUANT TO DEFERRED
PROSECUTION AGREEMENT**

This matter comes before the court upon the citation alleging a Municipal Infraction for violation of City of Independence Code of Ordinances § 56.02. The parties have jointly executed and submitted a Motion for Continuance and Memorandum of Deferred Prosecution Agreement.

The Court finds that the Motion for Continuance should be granted pursuant to the terms of the Deferred Prosecution Agreement and attachments thereto.

IT IS THEREFORE ORDERED that a review hearing of this matter shall be rescheduled and set for March 19, 2019 at 9:30 a.m. If nobody appears for the hearing, the case will be dismissed at Defendant's cost.



State of Iowa Courts

Type: ORDER FOR CONTINUANCE

Case Number Case Title
INCICV009415 INDEPENDENCE VS COFFELT, KIMBERLY

So Ordered

A handwritten signature in black ink, appearing to read "Julian West", written over a horizontal line.

Julian West, Magistrate
First Judicial District of Iowa

Electronically signed on 2018-03-26 08:17:32 page 2 of 2

IN THE IOWA DISTRICT COURT FOR BUCHANAN COUNTY

CITY OF INDEPENDENCE, IOWA,

Plaintiff,

vs.

KIMBERLY COFFELT,

Defendant.

Case No. INCICV009415

**ORDER GRANTING CONTINUANCE
PURSUANT TO DEFERRED
PROSECUTION AGREEMENT**

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State of Iowa Courts

Type: ORDER FOR CONTINUANCE

Case Number **Case Title**
INCICV009415 INDEPENDENCE VS COFFELT, KIMBERLY

So Ordered

A handwritten signature in black ink, appearing to read "Julian West".

Julian West, Magistrate
First Judicial District of Iowa

Electronically signed on 2018-03-26 08:17:32 page 2 of 2

CITATION

MUNICIPAL INFRACTION

ITEM #2.

CITY OF INDEPENDENCE ORDINANCE VIOLATION

CITATION IPD DOCKET NO. 18-002413

Health Animal Nuisance Zoning Building

Defendant Name: Corbett Kimberly Ann

Birthdate / / SS#

Address 606 4th Ave NE
Independence IA 50644

The undersigned states that the Defendant did violate the City Code Ordinances on or about:

03 / 15 / 2018 at [] A.M. [] P.M.

Address of Violation(s): 606 4th Ave NE

Defendant herein did violate Section 56.02 of the Code of Ordinances of the City of Independence, Iowa as follows:

It is unlawful for any person to harbor or keep a vicious dog within the City.


CIVIL PENALTY AND COURT COSTS TO BE PAID AT THE TIME AND PLACE OF THE COURT APPEARANCE SHOWN ON THE CITATION. PAYMENT MUST BE MADE BY CASH OR CHECK TO CLERK OF COURT, COURTHOUSE BUCHANAN COUNTY, IOWA. CIVIL PENALTY ASSESSED \$ COURT COSTS: \$ TOTAL \$
 1st Offense - Fine not to exceed \$750
 2nd Offense - Fine not to exceed \$1000

Defendant is forthwith directed to pay the civil penalty and to correct/cease the violation as follows:

Additional relief is requested by the City in addition to the standard civil penalties

COURT APPEARANCE IS REQUIRED. I PROMISE TO APPEAR AT THE BUCHANAN COUNTY COURTHOUSE ON:

04 / 05 / 2018 at 9:00 A.M. [] P.M.

Defendant's signature X 

MY SIGNATURE HERE IS NOT A PLEA OF GUILTY.

FAILURE TO APPEAR IN COURT WITHOUT GOOD CAUSE WILL RESULT IN JUDGMENT FOR THE CIVIL PENALTY AND COURT COSTS AND AN ORDER TO CORRECT/ABATE THE VIOLATIONS(S) AS WELL AS ANY OTHER RELIEF THE COURT DEEMS PROPER.

The undersigned attests that the matters herein forth are true and correct.

Dated 3 / 16 / 18 Kimberly Corbett 112
Mo. Day Yr. Officer's Signature I.D. No.

This case has been filed in a county that uses electronic filing. Unless you obtain an exemption from the court, you must register through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for purposes of filing and viewing documents on your case and of receiving service and notices from the court. For general rules and information on electronic filing, refer to Iowa Court Rules, Chapter 16, pertaining to the use of the Electronic Document Management System; <https://www.iowacourts.state.ia.us/Efile>. For court rules on the protection of personal privacy in court filings, refer to Division VI of Iowa Court Rules Chapter 16: <https://www.iowacourts.state.ia.us/Efile>.

If you require the assistance of auxiliary aids or services to participate in the court because of a disability, immediately call your district ADA coordinator (information at www.iowacourts.gov/Representing_Yourself/ADAAccess). If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

I swear that the foregoing statements are true and correct.

Kayla Cornwell Independence P.D.
Signature Agency

Subscribed and sworn to before me by *Kayla Cornwell*
Independence on the *19th* day of *March* 2018

Katie Bidwell

NOTARIAL SEAL
KATIE BIDWELL
Commission Number 790194
My Commission Expires
May 28, 2018

INDEPENDENCE POLICE DEPT

Call For Service Record

ITEM #2.

Call #: 16003486	Lat: 0.000000	Lon: 0.000000	Police	Fire	Amb	Other
Premise:			Grid: 0140	0140	0140	9999
Location: 600-BLK 4 AV NE			Beat: IPD	IFD	PMH	
City: INDEPENDENCE	St: IA	Zip: 50644	CMD Area: A	A	A	
Cross Str: /			Area/Agency: I	N	P	
Call Type: BITE	ANIMAL BITE CALL		Priority: 2			

Reporting Party Information

Name: LOEB,LORA

Address: [REDACTED]

City: INDEPENDENCE **St:** IA **Zip:** 50644

Phone: **Cell:** [REDACTED]

Work Phone:

Disposition: RT

Disp Desc: REPORT TAKEN

Actual Type: BITE ANIMAL BITE CALL

by: W117 **via:** Phone

Received: 04/12/2016 @ 09:42:33

Custody: **Fire Out:** **Pat Contact:**

Remarks: - ALL REMARKS

ENTERED BY: W117 @ 04/12/2016 09:42:34

HAPPEN AT 738 THIS MORNING-

DOGS BELONGS TO 606 4TH AV NE KIM COFFELT-103

Apr. 29. 2016 8:29AM

No. 4525 P. 4

ITEM #2.

Carl E. Scharff, Mayor
(319) 334-3713

City of Independence

Steven T. Diers, City Manager
(319) 334-2780

Barbara K. Rundle, City Clerk/Treasurer
(319) 334-2780

Carter Stevens, City Attorney

331 First Street East
INDEPENDENCE, IA 50644-2814
(319) 334-2780
FAX: (319) 334-2037

COUNCIL MEMBERS

Robert Hill, At Large
Jon Hoband, At Large
Jeanne Hermaan, 1st Ward
Cheryl Hand, 2nd Ward
Richard Engen, 3rd Ward
Arleta Schweitzer, 4th Ward
Bonita Davis, 5th Ward

"AMERICA'S FAME IS IN OUR NAME"

APPREHENDED/IMPOUNDED ANIMAL

DESCRIPTION OF ANIMAL: Brown w/ BLK dog

LOCATION ANIMAL FOUND: 4th Ave., NE

Indee
CITY STATE ZIPCODE

DATE: 4/12/16 TIME: _____

FOUND BY: Indep PD
NAME

ADDRESS
CITY STATE ZIPCODE

ANIMAL/OWNER INFORMATION

ANIMAL IDENTIFICATION: ~~FED~~ - Midnight Amer Staff Cross

OWNER: Kimberly Coffelt
NAME

606 4th Ave NE
ADDRESS
Indep IA 50644
CITY STATE ZIPCODE TELEPHONE

NOTIFICATION/RECLAIMING ANIMAL

DATE NOTICE PROVIDED TO OWNER: _____

COMMENTS: _____

DATE ANIMAL RECLAIMED/NOT CLAIMED: _____

ALL FEES PAID? YES NO SHOTS UP TO DATE? YES NO

RABIES TAG INFORMATION: _____

SIGNATURE

32

\$50.00 cr.

- Entry PAID

INDEPENDENCE POLICE DEPT

Call For Service Record

ITEM #2.

Call #: 13006003	Lat: 0.000000	Lon: 0.000000	Police	Fire	Amb	Other
Premise:			Grid: 0110	0110	0110	9999
Location: 100-BK 7 AV NE			Beat: IPD	IFD	PMH	
City: INDEPENDENCE	St: IA	Zip: 50644	CMD Area: A	A	A	
Cross Str: /			Area/Agency: I	N	P	
Call Type: DOGS	DOGS BARKING/RUNNING LOOSE		Priority: 3			

Reporting Party Information

Name: _____

Address: _____

City: INDEPENDENCE St: IA Zip: 50644

Phone: _____ Cell: _____

Work Phone: _____

Disposition: CI

Disp Desc: CITATION ISSUED

Actual Type: DOGS DOGS BARKING/RUNNING
by: GRP3 via: Phone

Received: 07/28/2013 @ 12:22:45

Custody: _____ Fire Out: _____ Pat Contact: _____

Remarks: - ALL REMARKS

ENTERED BY: GRP3 @ 07/28/2013 12:22:45
SUBJ FLAGGED DOWN P10 TO ADV THERE IS A PITBULL RUNNING LOOSE 10-69 111 ALSO

ENTERED BY: GRP3 @ 07/28/2013 12:36:11
111/P10 10-6 606 4TH AVE NE REF 10-11

ENTERED BY: GRP3 @ 07/28/2013 12:50:50
111 ADVD HE IS GOING TO CITE COFFELTS FOR LETTING THEIR DOG RUN LOOSE

Unit Information:

Unit ID	Officer I	Disp	Enrte	Arriv	Clear	Total	Destination	Trans Start	Trans Stop	Mile Start	Mile Stop
DP10 (P)	D5189	07/28/2013	12:22:52	12:22:58	12:50:28	28				0.0	0.0
M111	M3059	07/28/2013	12:30:59	12:35:06	12:50:28	20				0.0	0.0

IOWA DISTRICT COURT FOR BUCHANAN COUNTY

INDEPENDENCE CITY OF,
Plaintiff,

vs

KIMBERLY ANN COFFELT,
Defendant.

Case No: 01101INCICV009740

ORDER RE: MUNICIPAL INFRACTION

The Defendant appeared and admitted the violation. A civil penalty of \$50 is assessed together with court costs of \$85.00. The total penalty and costs in the amount of \$135.00 are due on or before August 11, 2019.

It is further ordered that Defendant shall permanently remove the dog from the city limits of the City of Independence, Iowa..

Dated: 07/11/19

Please Note: If you require assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 319/833-3332. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942. The disability coordinator cannot provide legal advice.



State of Iowa Courts

Case Number
INCICV009740
Type:

Case Title
INDEPENDENCE VS COFFELT, KIMBERLY
OTHER ORDER

So Ordered

A handwritten signature in black ink, appearing to read "B. Lange", written over a horizontal line.

Benjamin Lange, Magistrate,
First Judicial District of Iowa

Electronically signed on 2019-07-11 08:44:57



INDEPENDENCE POLICE DEPARTMENT
 2349 JAMESTOWN AVE. SUITE 3
 INDEPENDENCE, IA 50644
 (319) 334-2520

DK T/SW

ITEM #2.

Case Number	19-005291
Date/Time of Report	6/25/2019 10:56 Hrs
Status	01 - ACTIVE

PUBLIC RELEASE

SUMMARY	County	BUCHANAN - 10	Report Type	ORI Number	
	Is Date and Time of Incident Known?	YES	Incident Date or Lower Date Range	06/25/2019	Upper Date Range
	Day of Week Incident Occurred	TUESDAY	Exceptionally Cleared	Date Cleared Exceptionally	

OFFENSE 001

Code Section	Charges/Offense	Attempted/Completed	Type of Criminal Activity (up to 3)	
N/56.02	VICIOUS DOGS	C - COMPLETED		
Type of Weapon/Force Involved (up to 3)	Method of Entry	No. of Premises Entered	Gang Information (up to 2)	

LOCATION OF OFFENSE

Location Type	Literal Description
20 - RESIDENCE/HOME	4TH AVE NE 600 BLK WALKING NORTH

VICTIM	Type of Victim	Name - Last	First	Middle	Suffix
	I - INDIVIDUAL	LANG	BETTY	LOUFERN	
	Business/Organization/State/County/Municipality	Address		Resident Status	

City	State	Zip Code
001 ROWLEY	IA	52329

END OFFENSE 001

OFFENDER	Offender Arrested?	Name - Last	First	Middle	Suffix
	NO				
	Alias(es)				
	Address		City		State

DOB Known?	Age	Gender	Height	Weight	Eye Color	Hair Color
001						



IOWA INCIDENT REPORT
INDEPENDENCE POLICE DEPARTMENT
 2349 JAMESTOWN AVE. SUITE 3
 INDEPENDENCE, IA 50644
 (319) 334-2520

Case Number 19-005291	ITEM #2.
Date/Time of Report 6/25/2019 10:50	
Status 01 - ACTIVE	

SUMMARY

County BUCHANAN - 10		Report Type		ORI Number IA0100100	
Is Date and Time of Incident Known? Yes	Incident Date or Lower Date Range 06/25/2019	Upper Date Range	Incident Time or Lower Time Range 10:40	Hrs	Upper Time Range Hrs.
Day of Week Incident Occurred TUESDAY		Exceptionally Cleared N - NOT APPLICABLE		Date Cleared Exceptionally	
INCIDENT REPORTED BY					
Was Incident Reported by a Victim? NO	Reporting Victim's Sequence No.	Name - Last	First	Middle	Suffix
Business Name (if Incident was Reported by a Business) BUCHANAN COUNTY HEALTH CENTER			Address 1600 1ST ST EAST		
City INDEPENDENCE	State IA	Zip Code 50644	Home/Cell Phone	Work Phone	

OFFENSE 001

Seq No 001	Ordinance LOCAL	Code Section IN/56.02	UCR Offense Code ALL OTHER OFFENSES - 90Z
Charges/Offense VICIOUS DOGS			Attempted/Completed C - COMPLETED
Type of Criminal Activity (up to 3)			
Type of Weapon/Force Involved (up to 3)			Gang Information (up to 2)
No. of Premises Entered	Method of Entry	Offender Suspected of Using (up to 3) N - NOT APPLICABLE	

LOCATION OF OFFENSE

Location Type 20 - RESIDENCE/HOME	X Coordinate 591213.437	Y Coordinate 4703010
Literal Description 4TH AVE NE 600 BLK WALKING NORTH		

VICTIM 001

Type of Victim I - INDIVIDUAL	Sequence No 001	Name - Last LANG	First BETTY	Middle LOUFERN	Suffix
Business/Organization/State/County/Municipality Name		Address [REDACTED]		City ROWLEY	State IA Zip Code 52329
Phone [REDACTED]	Alias(es)				
DOB Known? YES	DOB [REDACTED]	Age or Lower Age Range	Upper Age Range	SSN [REDACTED]	Resident Status R - RESIDENT
Driver's License - Number [REDACTED]	State IA	Gender F - FEMALE	Height 5' 01"	Weight 145 LBS	Eye Color BROWN - BRO Hair Color GRAY OR PARTIALLY GRAY - GRY
Skin Tone FAIR - FAR	Race W - WHITE	Ethnicity N - NOT OF HISPANIC ORIGI		Scars/Marks/Tattoos	
Type of Injury (up to 5)					

EMPLOYMENT OR SCHOOL INFO

Employer or School RETIRED	Occupation
Address	City State Zip Code Work Phone

VICTIM CONNECTED TO UCR OFFENSE CODES

UCR Offense Code 1 ALL OTHER OFFENSES - 90Z	UCR Offense Code 2
UCR Offense Code 3	UCR Offense Code 4
UCR Offense Code 5	UCR Offense Code 6
UCR Offense Code 7	UCR Offense Code 8
UCR Offense Code 9	UCR Offense Code 10

ADDITIONAL OFFENSE CIRCUMSTANCE INFO

Aggravated Assault/Homicide Circumstances (up to 2)
Additional Justifiable Homicide Circumstances

VICTIM'S RELATIONSHIP TO OFFENDER(S)

ITEM #2.

First Offender Seq No 001	Victim's Relationship to First Offender OK - VICTIM WAS OTHERWISE KNOWN	Second Offender Seq No	Victim's Relationship to Second Offender
Third Offender Seq No	Victim's Relationship to Third Offender	Fourth Offender Seq No	Victim's Relationship to Fourth Offender
Fifth Offender Seq No	Victim's Relationship to Fifth Offender	Sixth Offender Seq No	Victim's Relationship to Sixth Offender
Seventh Offender Seq No	Victim's Relationship to Seventh Offender	Eighth Offender Seq No	Victim's Relationship to Eighth Offender
Ninth Offender Seq No	Victim's Relationship to Ninth Offender	Tenth Offender Seq No	Victim's Relationship to Tenth Offender

SPECIAL CIRCUMSTANCES

Not Applicable Bias Crime Domestic Abuse LEOKA

BIAS CRIME

Bias Motivation	Target Code
Bias Group Affiliations	

DOMESTIC ABUSE

Children Present?	Seq No of Domestic Abuse Offender	Domestic Abuse Referrals (up to 6)
-------------------	-----------------------------------	------------------------------------

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED

Officer Killed or Assaulted	Type of Assignment
Body Armor	Call Type

END OFFENSE 001

OFFENDER 001

Type of Offender 01 - Offender	Sequence No 001	NIBRS Offense Sequence Numbers 001		Lesser Offense Sequence Numbers	
Name - Last COFFELT	First KIMBERLY	Middle ANN	Suffix		
Alias(es)					
Address 606 4TH AVE SE		City INDEPENDENCE	State IA	Zip Code 50644	Home Phone [REDACTED]
DOB Known? YES	DOB [REDACTED]	Age or Lower Age Range [REDACTED]	Upper Age Range	SSN [REDACTED]	Resident Status R - RESIDENT
Driver's License - Number [REDACTED]	State IA	Gender F - FEMALE	Height 5' 04"	Weight 280 LBS	Eye Color HAZEL - HAZ
Skin Tone FAIR - FAR		Race W - WHITE	Ethnicity N - NOT OF HISPANIC ORIGIN		
Scars/Marks/Tattoos				Offender Present When Officer Arrived? NO	
Type of Injury (up to 5) N - NONE					

EMPLOYMENT OR SCHOOL INFO

Employer or School	Occupation			
Address	City	State	Zip Code	Work Phone

ARREST INFO

Offender Arrested? NO	Arrest Trans Booking No	Type of Arrest	Arrest Date	Arrest Time Hrs
Associated Offense Sequence No	Miranda By	Miranda Date	Miranda Time Hrs	
Arrestee Condition	Arrestee Armed With (up to 2)			
Place of Birth	Multiple Arrestee Indicator	Additional Incidents Cleared		

JUVENILE INFO

Parent/Guardian Contacted?	Name - Last	First	Middle	Suffix
Address	City	State	Zip Code	
Home Phone	Work Phone	Juvenile Arrestee Disposition		

END OFFENDER 001

OFFICER'S INVESTIGATIVE NOTES

ITEM #2.

At about 10:56 AM, I was dispatched to the Buchanan County Health Center on the report of a dog bite. I arrived and met with Betty L. of the emergency patient rooms. Betty told me that she had went to Emm's coffee and decided to go for her walk since she had time. She walked north on 4th Ave NE and as she was getting close to Kim Coffelt's residence she noticed a young girl holding two dogs by leashes or chains she was not sure. She then said that the poor girl could not hold on to the dogs and that they started dragging her towards her. Betty told me that the dogs had knocked her down and the Brown stocky dog had attached her biting the back of her leg. Betty stated that dog belonged to Kim and Kim had came out of the house and helped get the dog off her and then gave her a ride back to Emm's to get her vehicle. Betty then drove her self to the emergency room.

I noticed that the back of her leg near the ankle was bleeding. I asked Betty if I could photograph her injury and she agreed. While taking a photograph of the wound it started squirting blood and I called for the staff to help and attend to Betty. Betty also told me that while she was knocked down she also injured her wrist. I looked at her left wrist and could tell it was probable broken and or dislocated. This injury was also photographed.

I asked Betty if she would provide a written statement and she agreed. See attached. I also asked Betty if she would request a copy of the medical records for the case when she was released and provide them me. She agreed and did so. See attached medical records.

I made contact with Kim by phone later after leaving the Hospital. Kim advised that she felt really bad for Betty and that they went to church together. She stated that she noticed her ankle and offered to take Betty to the Hospital but she refused. She also stated that she should have never let the girl take the dogs out of the kennel and she should have just had her wait for help.

I explained that the dog would need to be taken to Pipestone Vet to be secured while the incident was further investigated by the Chief of Police for the Vicious dog violation per city code. I asked Kim if she would meet me at Pipestone at 1:00 PM with the dog. Kim agreed.

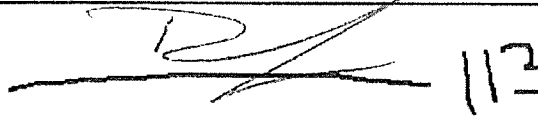
At about 1:00 PM, I met with Kim at Pipestone. The male dog named Duke was handed over to staff to secure. Kim advised me that Duke was a male and approximately 9 or 10 years old. She also told me that Duke was a Pit Bull and Chow mix breed. I obtained the vet record showing from Dukes rabies vaccination. The records indicated that Duke was given the vaccine on 03-21-2018 and was due for another one 03-21-2019. This was not completed by Kim. I explained to Kim that she was three months over due on the vaccine and it was also a violation of the city ordinance.


I issued Kim a citation for Vicious Dog and explained to her that she would need to appear on the court date shown. I also advised Kim that I would be back in contact with her if there was going to be another citation issued for the rabies vaccine.

At approximately 2:00 PM, I spoke with Betty. I explained to Betty what was happening with the dog and our process. I explained to her about the citation for Vicious Dog and what would be happening. I also let Betty know about the rabies vaccine being a couple months expired and also the possible citation for that offense. Betty requested that only one citation be filed against Kim for the vicious dog and expressed her concern with the dog and not wanting it release back to the home. I agreed with Betty and told her I would only be issuing the one citation.

OFFICER

Complainant/Reporting Party Signature



Reporting Officer LAU BRIAN	Badge Number L3882	Supervisor 	Badge Number 13703
Video Taken? (Check All That Apply) 04 - BODY CAMERA		Evidence Seized? NO	Photos Taken? YES
Incident Assigned To			



2349 Jamestown Ave. Suite 3
Independence, Iowa 50644
(OFFICE) 319-334-2520 * (FAX) 319-334-6747

ITEM #2.

Voluntary Statement

Date of Statement: 6-25-19

Incident#: _____

Time of Statement: 11:30

NAME: Betty Lang

Page ___ of ___

ADDRESS: _____

DOB: _____ SSN/DLN: _____ PHONE #: _____

Walking on sidewalk
2 dogs on leashes held by 10 yr old (?) came
running to me. I saw them coming -
turned around, one lunged at me, knocked
me down backwards, grabbed onto back
of my right ankle with his teeth drawing
blood. The dark colored dog attacked
me.

I certify under the penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct.

40

Betty Lang
Signature

CITATION

MUNICIPAL INFRACTION

ITEM #2.

CITY OF INDEPENDENCE ORDINANCE VIOLATION

CITATION IPD DOCKET NO.

Health Animal Nuisance Zoning Building

Defendant Name: Coffelt Kimberly Ann

Birthdate: 1/1/88

Address 606 4th Ave NE
Independence IA 50644

The undersigned states that the Defendant did violate the _____ Code Ordinances on or about:

06/25/19 at 10:40 AM A.M. () P.M.

Address of Violation(s): 606 BIK 4th Ave NE

Defendant herein did violate Section 56.02 of the Code of Ordinances of the City of Independence, Iowa as follows:

Vicious Dog

CIVIL PENALTY AND COURT COSTS TO BE PAID AT THE TIME AND PLACE OF THE COURT APPEARANCE SHOWN ON THE CITATION. PAYMENT MUST BE MADE BY CASH OR CHECK TO CLERK OF COURT, COURTHOUSE BUCHANAN COUNTY, IOWA. CIVIL PENALTY ASSESSED \$ _____ COURT COSTS: \$ _____ TOTALS _____ 1st Offense - Fine not to exceed \$750 2nd Offense - Fine not to exceed \$1000

Defendant is forthwith directed to pay the civil penalty and to correct/cease the violation as follows:

Not Have a vicious Dog within City of Independence, IA

COURT APPEARANCE IS REQUIRED. I PROMISE TO APPEAR AT THE BUCHANAN COUNTY COURTHOUSE ON:

07/11/19 at 9:00 AM A.M. () P.M.

Defendant's signature [Signature]

MY SIGNATURE HERE IS NOT A PLEA OF GUILTY.

FAILURE TO APPEAR IN COURT WITHOUT GOOD CAUSE WILL RESULT IN JUDGMENT FOR THE CIVIL PENALTY AND COURT COSTS AND AN ORDER TO CORRECT/ABATE THE VIOLATIONS(S) AS WELL AS ANY OTHER RELIEF THE COURT DEEMS PROPER.

The undersigned attests that the matters herein forth are true and correct.

Dated 06/25/19 [Signature] 10-113
Mo. Day Yr. Officer's Signature I.D. No.

This case has been filed in a county that uses electronic filing. Unless you obtain an exemption from the court, you must register through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for purposes of filing and viewing documents on your case and of receiving service and notices from the court. For general rules and information on electronic filing, refer to Iowa Court Rules, Chapter 16, pertaining to the use of the Electronic Document Management System: <https://www.iowacourts.state.ia.us/Efile>. For court rules on the protection of personal privacy in court filings, refer to Division VI of Iowa Court Rules Chapter 16: <https://www.iowacourts.state.ia.us/Efile>

If you require the assistance of auxiliary aids or services to participate in the court because of a disability, immediately call your district ADA coordinator (information at www.iowacourts.gov/Representing_Yourself/ADAAccess. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

I swear that the foregoing petition is true and correct.

TR F.P.D
Signature Agency
Subscribed and sworn to before me by Brian D. Lan at
Independence on this 25 day of June 19
Katie Loughlin



CITATION

MUNICIPAL INFRACTION

19-003

ITEM #2.

CITY OF INDEPENDENCE ORDINANCE VIOLATION

CITATION IPD DOCKET NO.

Health Animal Nuisance Zoning Building

Defendant Name Coffelt Kimberly Ann

Birthdate: ^{Di. #} ^{St.}

Address 600 4th Ave NE
Independence IA 50644

The undersigned states that the Defendant did violate the _____ Code Ordinances on or about:

06/25/19 at 10:40 AM () P.M.

Address of Violation(s): 600 BIK 4th Ave NE

Defendant herein did violate Section 56.02 of the Code of Ordinances of the City of Independence, Iowa as follows: _____

Unleashed Dog

CIVIL PENALTY AND COURT COSTS TO BE PAID AT THE TIME AND PLACE OF THE COURT APPEARANCE SHOWN ON THE CITATION. PAYMENT MUST BE MADE BY CASH OR CHECK TO CLERK OF COURT, COURTHOUSE BUCHANAN COUNTY, IOWA.	CIVIL PENALTY ASSESSED \$ _____
	COURT COSTS: \$ _____
	TOTAL \$ _____
	<input checked="" type="checkbox"/> 1st Offense - Fine not to exceed \$750
	<input type="checkbox"/> 2nd Offense - Fine not to exceed \$1000

Defendant is forthwith directed to pay the civil penalty and to correct/cease the violation as follows:
Not Have a vicious Dog within City of Independence, IA

COURT APPEARANCE IS REQUIRED. I PROMISE TO APPEAR AT THE BUCHANAN COUNTY COURTHOUSE ON:

07/11/19 at 2:00 PM () P.M.

Defendant's signature [Signature]

MY SIGNATURE HERE IS NOT A PLEA OF GUILTY.

FAILURE TO APPEAR IN COURT WITHOUT GOOD CAUSE WILL RESULT IN JUDGMENT FOR THE CIVIL PENALTY AND COURT COSTS AND AN ORDER TO CORRECT/ABATE THE VIOLATIONS(S) AS WELL AS ANY OTHER RELIEF THE COURT DEEMS PROPER.

The undersigned attests that the matters herein forth are true and correct.

Dated 06/25/19 [Signature] 10-113
No Day Yr Officer's Signature I.D. No

This case has been filed in a county that uses electronic filing. Unless you obtain an exemption from the court, you must register through the Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for purposes of filing and viewing documents on your case and of receiving service and notices from the court. For general rules and information on electronic filing, refer to Iowa Court Rules, Chapter 16, pertaining to the use of the Electronic Document Management System, <https://www.iowacourts.state.ia.us/Efile>. For court rules on the protection of personal privacy in court filings, refer to Division VI of Iowa Court Rules Chapter 16 <https://www.iowacourts.state.ia.us/Efile>

If you require the assistance of auxiliary aids or services to participate in the court because of a disability, immediately call your district ADA coordinator (information at www.iowacourts.gov/Representing_Yourself/ADAAccess). If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

* Don't Release without Chief's approval *

ITEM #2.



Independence Police Department
2349 Jamestown Ave., Suite 3
INDEPENDENCE, IA 50644-2814
PH :(319) 334-2520 FX :(319) 334-6747

APPREHENDED/IMPOUNDED ANIMAL

DESCRIPTION OF ANIMAL:

Pit/chow male Brown Dog

"Duke"

LOCATION ANIMAL FOUND:

606 4th Ave NE
ADDRESS

INDEPENDENCE
CITY

IOWA
STATE

50644
ZIP CODE

DATE:

6-25-11

TIME:

1:30 hrs

CASE #:

FOUND BY:

NAME

I.P.D

aka Brian D. Law per chief of Police

ADDRESS

INDEPENDENCE
CITY

IOWA
STATE

50644
ZIP CODE

ANIMAL/OWNER INFORMATION

ANIMAL IDENTIFICATION:

Duke

OWNER:

NAME

Kim Corbett

ADDRESS

CITY

606 4th Ave NE

Independence, IA

STATE

ZIP CODE

319-332-8435

TELEPHONE

NOTIFICATION/RECLAIMING ANIMAL

DATE NOTICE PROVIDED TO OWNER:

COMMENTS:

DATE ANIMAL RECLAIMED/NOT CLAIMED:

ALL FEES PAID? YES NO

SHOTS UP TO DATE? YES NO

RABIES TAG INFORMATION:

SIGN



INDEPENDENCE POLICE DEPARTMENT

ITEM #2.

2349 Jamestown Ave. Suite 3
Independence, Iowa 50644
(OFFICE) 319-334-2520 * (FAX) 319-334-6747

Voluntary Statement

Date of Statement: 3-19-18

Incident#: _____

Time of Statement: 17:50

NAME: _____

Page ___ of ___

ADDRESS: _____

DOB: _____ SSN/DLN: _____ PHONE #: _____

- 600 4th Ave NE - Dorothy Smith
- dog will lunge at her + her granddaughters when their outside. ~~around~~ the girls won't go outside if the dog is out. would bark + growl at them if they were outside.

- 608 4th Ave NE - no answer

- 603 5th Ave NE - Scott Brown -
Chase after the kids
Christina

536 5th Ave NE? right next to Scott + Heidi
- dog would growl + charge at the kids when it was tied up in the yard. kids wouldn't go outside if the dog was outside.

I certify under the penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct

Signature

Animal Quarantine Requirements

ITEM #2.

Defendant/Owner Kimberly, presently resides at Capitol

Independence, Iowa and is the owner of a dog described as follows:

NAME: Duke AGE: 7 BREED: Pit/Bul
COLOR(S): Brown/Black

By executing this form, Defendant agrees to comply with the following requirements with respect to the dog described above

1. To require the owner to identify the animal by means of a special blaze orange collar.
2. To keep the animal securely muzzled, leashed and under control of a person eighteen (18) years of age or older who is physically capable of restraining the animal while the animal is not confined within the residence or other structure. The dog must be muzzled and on a fixed leash no longer than six (6) feet at all times during any walks or other activities that involve the dog leaving the owner's property.
3. In the event Owner/Defendant places the dog on a tether, the tether must be securely fastened to the ground in such a fashion as to prevent the dog from removing the tether from the ground or itself from the tether. Further, the tether must be secured in such a way as to prevent the animal from being capable of coming within six (6) feet of any public sidewalk, street, or point of entry/exit for mail carriers or utility meter readers.
4. Owner/Defendant agrees to inform by any means including, but not limited to, the postmaster, utility companies, meter readers or other persons who routinely come on the property of the owner that a dangerous animal is on the premises or if the owner moves his or her residence to another location within the City, to inform any such persons that the animal is now on the new premises.
5. Owner/Defendant agrees to pay all impoundment fees incurred with respect to the dog described above before the animal is released to the custody of Owner/Defendant. In the event the dog is ordered removed from the City limits, Owner/Defendant agrees to pay all impoundment costs incurred with respect to the animal before it is released for removal.
6. In the event Owner/Defendant has any questions about his/her compliance with or the meaning of any provision, he/she must contact the Independence Chief of Police, who shall make a determination as to the question posed within a reasonable time.
7. Finally, the undersigned owner/defendant, acknowledge and agree that if I violate any provision(s) of this agreement, the City of Independence, Iowa is authorized to my impound my dog/animal at my costs and pursue any and all other remedies authorized by Iowa law to enforce the City's Code of Ordinances, including any deferred prosecution or plea agreement entered in any municipal infraction proceedings initiated against defendant/owner respect to the dog described herein.

Kimberly
Owner/Defendant

[Signature]
Chief of Police or designee

3/21/18
Date

ITEM #2.

