

ORDINANCE NO. 640
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF JEFFERSON, IOWA, 2017, BY ADDING A NEW CHAPTER 31 – ANIMAL APPEALS
BOARD AND AMENDING CHAPTERS 55 AND 56

Be it enacted by the City Council of Jefferson, Iowa:

SECTION 1. Chapter Added. Chapter 31 of the Code of Ordinances of the City of Jefferson, Iowa, 2017, be created and therefore be enacted in the following chapter:

**CHAPTER 31
ANIMAL APPEALS BOARD**

31.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. “Board” shall refer to the Animal Appeals Board established in this chapter.
2. “Appellant” shall refer to an applicant who seeks to appeal to the Board.

31.02 BOARD ESTABLISHED. There is established an Animal Appeals Board consisting of five (5) members. The members shall serve without pay but may be reimbursed for actual and reasonable expenses. The members shall be determined as follows:

1. One member shall be the current Mayor.
2. One member shall be the current City Administrator.
3. One member shall be a member of the Council and shall be appointed annually by the Mayor with the approval of the Council.
4. Two members shall be representatives of the Jefferson Police Department. The first shall be the current Police Chief and the second shall be the current Police Captain. These members shall serve for as long as they maintain their rank and positions within the Jefferson Police Department.

31.03 MEETINGS; RULES OF CONDUCT; CONFLICTS OF INTEREST.

1. The Mayor shall serve as the Chairperson of the Board. In their absence, the Board shall select an acting Chairperson. The Chairperson shall have the authority to administer oaths and compel attendance of witnesses.
2. The Jefferson City Clerk shall serve as Secretary of the Board. In their absence, the Board shall select an acting Secretary. The Secretary shall keep minutes of Board proceedings that show the votes of each members, or if absent or abstaining, indicate such fact.
3. Subject to Council override, the Board shall adopt rules and policies to conduct its affairs in accordance with this Ordinance.

- b. A notice of appeal must contain the following information:
 - i. The name and residential address of the appellant.
 - ii. Contact information for the appellant, including phone number, mailing address and, if available, an e-mail address to which all further notices may be served.
 - iii. The nature of the decision appealed from, including a case or citation number or date of incident if available.
 - iv. A detailed narrative of the animal incident or circumstances that resulted in the citation or order.
 - v. A description of the animal or animals involved, including name, breed, age, color, size, and status of most recent vaccinations.
 - vi. If the appeal concerns an illegal or vicious animal determination as defined in Chapter 55 of the Code of Ordinances, the following additional materials must be submitted with the notice of appeal:
 - 1. Written proof of vaccination, microchipping, and City registration of the vicious animal.
 - 2. A quote for insurance for the vicious animal that satisfies the requirements of Section 55.12(2) of the Code of Ordinances.
 - 3. If applicable, the location outside of City limits where the animal is being kept.
 - 4. An acknowledgment signed by the appellant whereby they acknowledge their review and understanding of the confinement, muzzling and other requirements of Section 55.12 of the Code of Ordinances.
 - 5. An acknowledgement signed by the appellant whereby they acknowledge that if the Board upholds the vicious animal determination, the vicious animal shall not be allowed within City limits until all requirements of the Code of Ordinances are fulfilled, and furthermore, that the appellant shall have ninety (90) days to fulfill said requirements or else the vicious animal designation shall be automatically rescinded.
- c. Notices of appeal that fail to abide by the preceding procedures shall be returned to the Appellant with an explanation of the rejection. Following rejection, an appellant may file a new or corrected notice of appeal subject to the original deadline set forth in Section 31.05(1)(a) of the Code of Ordinances.

- d. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the citation or order of the City.
2. Upon receipt of a timely-filed and proper notice of appeal, the Clerk shall promptly notify the Board and affected City departments or officials. The Police Department or other affected City departments or officials shall thereafter investigate the merits of the appeals and submit all documents related to the alleged violation to the Board.
3. Except in the case of an illegal animal designation, a proper notice of appeal stays all proceeding in furtherance of the decision appealed from unless the stay would, in the Mayor's opinion, pose an imminent peril to life and property. Owners of those animals deemed to be illegal animals must adhere to the requirements under the City Code pending the disposition of the appeal.
4. The Board shall meet and decide on the appeal within twenty-one (21) days of the Clerk's receipt of a notice of appeal.
5. The Board shall fix a reasonable time for the appeals hearing and shall be mailed by U.S. mail to the appellant not less than five (5) days prior to the hearing. The Board shall post notice of the hearing not less than four (4) days and not more than twenty (20) days prior to the hearing.
6. The Board shall make a reasonable effort to notify any persons who would have had direct involvement in the incident, including those persons who were injured or who owned animals that were injured in the incident.
7. In the event the affected department elects to withdraw a decision which is the subject of an upcoming appeal, it shall promptly provide notice to the appellant, Board and Clerk.
8. At the hearing, any party may appear in person, by agent, or by attorney, and may present evidence and arguments to the Board. The Board may exclude evidence that is immaterial, unduly repetitive, or otherwise inappropriate.
9. If the appellant fails to appear at the hearing, the Board may proceed with the hearing and issue a decision in the appellant's absence. The Board may alternatively, at its discretion, deem that the appellants have waived their right to continue the appeal and deny the appeal summarily.
10. The standard of proof is the preponderance of evidence, and the burden belongs to the appellants.
11. The Board may reverse or affirm, in whole or in part, or modify the original decision of the City department.
12. The decision of the Board and its reasons shall be summarized in writing and provided to the appellant and made available as public record.

13. The costs of the administrative hearing, if any, may be assessed against the losing party.
14. Any person aggrieved by the decision of the Board may seek review of that decision by filing an action in the District Court for Greene County, Iowa, within thirty (30) days of the Board's final determination unless more time is provided by an order of the district court or applicable Iowa law.

31.06 ADDITIONAL POWERS AND DUTIES. The Council may by resolution delegate to the Board additional obligations, powers and duties.

SECTION 2. Section Added. Chapter 55 of the Code of Ordinances of the City of Jefferson, Iowa, 2017, is amended and the following Section 55.27 is adopted and added therein:

55.27 APPEALS. Appeals of City decisions regarding alleged violations of this Chapter, including but not limited to vicious animal determinations, shall be adjudicated by the Animal Appeals Board as established by Chapter 31 of the Code of Ordinances.

SECTION 3. Section Added. Chapter 56 of the Code of Ordinances of the City of Jefferson, Iowa, 2017, is amended and the following Section 56.07 is adopted and added therein:

56.07 APPEALS. Appeals of City decisions regarding alleged violations of this Chapter, including but not limited to delinquent licensing fees, shall be adjudicated by the Animal Appeals Board as established by Chapter 31 of the Code of Ordinances.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.


SECTION 5. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Finally passed by the Council and approved on January 28, 2025.



Craig Berry, Mayor


Attest:



Roxanne Gorsuch, City Clerk

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on

February 6, 2025.



Roxanne Gorsuch, City Clerk