

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 26, 2010
	Agenda Item No. 43 Roll Call No. <u>10-1235</u> Communication No. <u>10-469</u> Submitted by: Judy Bradshaw, Chief of Police

AGENDA HEADING:

Amending Chapter 18 of the Municipal Code regarding vicious dogs.

SYNOPSIS:

Recommend approval of the amendments to Chapter 18, regarding vicious dogs. The proposed amendments would allow dogs impounded and declared vicious, only because of breed, and not reclaimed by their owner to be relinquished to the City’s Contractor, presently the Animal Rescue League of Iowa (ARL) for evaluation of adoptability. Dogs impounded and declared vicious, only because of breed, and in repeat violation of the city ordinance requiring euthanasia, could instead be relinquished by the owner to the ARL for evaluation of adoptability. Failure by the owner to relinquish the animal to ARL would require euthanasia.

If the ARL determines the dog is fit for adoption then the dog shall be placed up for adoption to a person who does not reside with the owner at the time of impoundment. If the owner at the time of impoundment or someone residing with the owner is found to have custody, control, or is otherwise harboring the dog after its adoption pursuant to this section, the dog shall be immediately impounded and destroyed.

FISCAL IMPACT:

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The municipal code of the City of Des Moines defines a vicious dog as:

- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite;

- (4) Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
- (5) Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
- (6) Staffordshire terrier breed of dog;
- (7) The American pit bull terrier breed of dog;
- (8) The American Staffordshire terrier breed of dog; or
- (9) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier.

The Municipal Code further states that a vicious dog which is found more than twice not to be confined or leashed as required by this article shall be required to be destroyed and a vicious dog which is found a second time not to be licensed as required by this article shall be required to be destroyed.

This amendment would allow a vicious dog to be evaluated by the ARL to determine its adoptability rather than being destroyed. ARL would use the following criteria for the determination:

Leash Walking
Appearance & sociability
Eye contact
Body strokes
Teeth exam
Pat on head
Hugging
Foot exam
Reaction to child dolls
Reaction to stuffed dog
Rawhide possession
Pig ear possession
Food bowl
Play response

Additionally, the ARL reserves the right to refuse anyone's request to adopt an animal. They would not allow those individuals who have been proven to be a problem dog owner to adopt another animal.

Attached to the roll call is a more detailed list of the tests the ARL conducts to determine adoptability.

PREVIOUS COUNCIL ACTION(S):

Date: November 23, 2009

Roll Call No.: 09-2141

Action: Moved by Hensley to refer to the City Manager to provide information regarding how many of the pit bulls impounded were properly licensed. The City Manager will continue discussions focusing on irresponsible owners, education and compliance issues. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of the ordinance.

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