

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	February 9, 2015
	<b>Agenda Item No.</b>	<b>38</b>
	<b>Roll Call No.</b>	<b><u>15-0226</u></b>
	<b>Communication No.</b>	<b><u>15-063</u></b>
	<b>Submitted by:</b>	<b>Scott E. Sanders, City Manager</b>

**AGENDA HEADING:**

Amending Chapter 18 of the Municipal Code regarding animals.

**SYNOPSIS:**

Recommend approval of amending Chapter 18 of the Municipal Code as it relates to vicious and dangerous animals with added definitions and requirements.

**FISCAL IMPACT:**

Amount: Possible increase in revenues from animal license fees.

Funding Source: N/A

**ADDITIONAL INFORMATION:**

Staff is recommending the following changes to Chapter 18 of the Municipal Code ARTICLE II Dogs:

Sec. 18-41 – Definitions - add the definition of a habitual offender and impound.

- A habitual offender means a person who has been convicted of any violation relating to dogs under Chapter 18 of the Des Moines Municipal Code three (3) or more times in a five (5) year period except that multiple convictions on violations occurring as a result of a single incident will count as one (1) conviction for purposes of this definition.
- Impound or impounding means a dog which is held at the animal shelter for any period of time.

Also under Sec. 18-41 – Definitions – change the term vicious dog to high risk dog.

Sec. 18-48 – change the section heading from “Transfer of license on change of ownership” to also “Transfer of license on change of ownership and void transfers with the added (c) being:

- Any attempt to transfer ownership or possession of a dog intended to circumvent, or which has the effect of circumventing, the provisions of this Chapter shall be void for purposes of enforcement under this chapter.

Add a new section 18-59.1. Meeting with the Chief Humane Officer prior to release of impounded dog that has bitten:

- After a dog has bitten a second time where any provision of this chapter has been violated, an owner may be required to meet with the Chief Humane Officer to review the incident and the applicable City ordinances. Failure to meet as required by the Chief Humane Officer pursuant to this section shall result in the dog being unredeemed and the Chief Humane Officer may proceed to disposition of the unredeemed dog pursuant to sections 18-59 or 18-65 of this chapter as applicable.

Sec. 18-64 Redemption of impounded dog – add the following

- (d) Habitual offender fee. A habitual offender may claim and redeem their dog upon payment of the impound and boarding fees as required under this section plus an additional habitual offender impound in the amount set in the Schedule of Fees adopted by the City Council by resolution.
- (e) Microchip required and fee. All dogs impounded shall have an electronic identification device, otherwise known as a microchip, placed under the dog's skin prior to release from impound and the owner shall pay the fee in the amount set in the Schedule of Fees adopted by the City Council by resolution for the installation of the electronic identification device. If a contractor implants an electronic identification device in a dog pursuant to this section, the contractor shall retain the fee.

The above amendments (except for the microchipping) would also apply to ARTICLE III of Chapter 18 regarding cats.

Staff is also recommending the following amendments to Chapter 18, ARTICLE VI Illegal and Dangerous Animals:

Sec. 18-196 Definitions – add “bite, bitten, claw and clawed, mean the break of skin and also add:

- (6) Has bitten another animal or human that causes a fracture, muscle tear, disfiguring lacerations of injury requiring corrective or cosmetic surgery; or
- (7) Any animal that was required to be removed from another city or county because of behavior that would also meet the definition of dangerous animal as set out in this section.

**PREVIOUS COUNCIL ACTION(S):**

Date: January 14, 2013

Roll Call Number: [13-0054](#)

Action: [Moved](#) by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: September 10, 2012

Roll Call Number: [12-1437](#)

Action: [Amending](#) Chapter 18 of the Municipal Code regarding process and appeals for designation and handling of vicious dogs, and illegal and dangerous animals. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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