



December 7, 2009

Date

PUBLIC HEARING ON VICIOUS ANIMAL APPEAL OF ANGELA RILEY

WHEREAS, Angela Riley, , Des Moines, Iowa, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of her dog as a vicious animal; and

WHEREAS, Ms. Riley requested an opportunity to address the City Council regarding her appeal; and

WHEREAS, Ms. Riley have been provided with the opportunity to address the City Council on the matter of her appeal; and

WHEREAS, the dog falls under the definition of vicious dog as contained in section 18-41 of the Des Moines City Code relating to vicious dogs; NOW, THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

Alternative One: That the order of the hearing officer be upheld and Ms. Riley's dog be declared vicious.

MOVED BY _____ TO UPHOLD DECLARATION.

Alternative Two: That the order of the hearing officer be reversed and Ms. Riley's dog not be declared vicious.

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

EXHIBITS FOR VICIOUS ANIMAL"CINNAMON"

- EXHIBIT A Letter from Police Animal Control declaring the dog "Vicious"
- EXHIBIT B Appeal from Angela Riley
- EXHIBIT C Letter setting date for Administrative Hearing - November 16, 2009
- EXHIBIT D Animal Incident Investigation Report and supporting photos
- EXHIBIT E Animal Incident Investigation Report (Previous incidents and copies of the Municipal Code for Vicious Animals)
- EXHIBIT F Administrative Hearing Officer's Ruling
- EXHIBIT G Appeal from Angela Riley
- EXHIBIT H Letter to Ms. Riley (Setting date for appeal to City Council)
- EXHIBIT I Letter to Ms. Riley and a copy of the Administrative Hearing Transcript

November 2, 2009

Ms. Angela Riley
3109 Woodland Avenue
Des Moines, Iowa

Ms. Riley,

On October 23, 2009 your brown colored female Labrador and mixed breed dog, named "Cinnamon," was running at-large when it ran across the street and a few properties away and bit a worker that was delivering garbage cans, which caused injury to the man's thigh.

After the initial attack your dog backed away but came back and tried biting the worker again, however, because the worker defended himself by kicking your dog it bit the worker's boot instead.

When the animal control officer arrived your dog was still running at-large, was not displaying a rabies vaccination tag or a city-pet license and was impound for quarantine at the animal shelter. (2009-34076).

On July 25, 2008 I was at your residence investigating an animal related complaint and observed your dogs, including Cinnamon. At that time all of your dogs barked and acted in a standoffish manner. (2008-26514)


Because of your dogs behavior it is being declared a "Vicious Dog," as defined by city ordinance 18-41. You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and properly confining/leashing it as a vicious dog, however, if your dog is found unlicensed as a vicious dog in the City of Des Moines twice it will be destroyed in a humane manner. Also if your dog is found not properly confined/leashed more than twice it will be destroyed in a humane manner.

You may appeal this declaration by filing a written appeal within three (3) business days with the City Clerk's Office in City Hall at 400 Robert D. Ray Drive in Des Moines, Iowa, however, during an appeal your dog will remain in impound at the animal shelter.

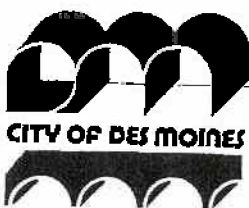
If you do nothing your dog will be destroyed in a humane manner.

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,


Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office



ANIMAL CONTROL
POLICE DEPARTMENT
1616 S.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(515) 242-2720

ALL-AMERICA CITY 1949, 1975, 1981

2009 NOV -5 PM 9:44



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2009 - 3407CP

ARL number (if known): "CINNAMON"

Animal owner's name: ANGELA RILEY

Address: 3109 WOODLAND AV.

Location of service: SAME

Date and time served: 02 NOV 09 1519

Official serving document (print name):
SGT. SCOTT RAUBAUBAUGH

Official's identification number: 4770

- Type of document served: Vicious dog letter Dangerous animal letter Illegal animal letter Hearing ruling letter
- City Council decision letter Other: _____

Name of person receiving document (they print their name):

ONE PLACED BETWEEN FRONT SCREEN DOOR AND FRAME AND ONE PLACED BETWEEN 3RD ST. STORM DOOR AND FRAME.

Their signature: X KF ACU

EX. A

BACK DOOR BLOCKED BY A
LAWN MOWER. EAST SIDE
DOOR HAS A DOG TIED TO
THE STORM DOOR.

2009 —
34070

KF ACU

November 3, 2009

Ms. Angela Riley
3109 Woodland Ave
Des Moines, Ia 50312

City Clerk's Office
400 Robert D. Ray
Des Moines, Ia 50309

To whom it may concern I am appealing the complaint on Cinnamon a red female Labradore mixed breed is not a vicious dog as defined by city ordiance 18-4.

Sincerely,



Angela L. Riley

515-208-9009

CITY CLERK
DES MOINES IOWA

2009 NOV -4 PM 4:35

FILED

November 6, 2009

Angela Riley
3109 Woodland Avenue
Des Moines, IA 50312



Re: Administrative Hearing- Vicious Dog

A hearing has been set for **Monday, November 16, 2009** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive, at 10:30 A.M.**

Parking is available on the streets surrounding City Hall--you will need change to pay the parking meters. Please alert the City Clerk's Office when you arrive.

Pursuant to Section 18-59 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call.

Sincerely,

A handwritten signature in cursive script that reads "Diane Rauh".

Diane Rauh
City Clerk

DR/kh

Enclosure

cc: Hearing Officer
Legal Assistant
Assistant City Attorney
Staff Notification
File

Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: C00510680		2. DM98 case number (if applicable): 09-34076	
3. Victim's name (Last, First M.I.): Bachmer, John (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#: A05556323		4. Race: WM	5. Sex: M
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		6. Age: 42	7. Date of birth: 9-24-67
34. Animal breed: X Lab		8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: broken		10. Residence address: (City and/or state if not Des Moines or Iowa) 5027 Hwy R 57 Norwalk, IA	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: 981-1280	12. Business or cellular phone number: 323-8171
37. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		13. Place of employment or school: City of Des Moines 333-8543	
38. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: 4957104651		14. Type and location of injury: left leg upper thigh punctures	
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		15. Medical treatment:	
39A. Date of vaccination:		16. Reporting person's name (Last, First M.I.):	
39B. Date of vaccination expiration:		17. Race:	
39C. Veterinarian:		18. Sex:	
40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		19. Age:	
41. Other identifiers (Collar, tattoo, etc.): blue nylon		20. Date of birth:	
42. Confinement/quarantine location: ARLACC		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	
43. Impounded or bite animal owner's name (Last, First M.I.): Piley, Angela		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
44. Residence address: (City and/or state if not Des Moines or Iowa) 3109 Woodland		23. Residence address: (City and/or state if not Des Moines or Iowa)	
45. Residence phone number:		24. Residence phone number:	
46. Place of employment or school:		25. Business or cellular phone number:	
47. Date and time incident occurred: 23 Oct 09 1730		26. Location of incident (address): Woodland (3104)	
48. Crime/Incident type: Animal bite - Dog		27. Location type: Sidewalk	
49. Date and time incident reported: 23 Oct 09 1732		28. Date and time incident occurred: 23 Oct 09 1730	
50. Residence address: (City and/or state if not Des Moines or Iowa)		29. Date and time incident reported: 23 Oct 09 1732	
51. Daytime or cellular phone number:		30. Classification:	
52. Witness' name (Last, first):		31. Classification:	
53. Residence address: (City and/or state if not Des Moines or Iowa)		32. Impounded or bite animal owner's name (Last, First M.I.): Piley, Angela	
54. Daytime or cellular phone number:		44. Residence address: (City and/or state if not Des Moines or Iowa) 3109 Woodland	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>		45. Residence phone number:	
56. Animal breed:		46. Place of employment or school:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		47. Business or cellular phone number:	
58. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:		48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
59. Animal color:		49. Date and time of notification: 23 Oct 09 1830	
60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		49A. Date and time of notification: 23 Oct 09 1830	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		49B. Person making notification: T Updegrave	
62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		49C. Means of notification: notice	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		50. Residence address: (City and/or state if not Des Moines or Iowa)	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		51. Daytime or cellular phone number:	
65. Type and location of injury:		52. Witness' name (Last, First):	
66. Medical treatment:		53. Residence address: (City and/or state if not Des Moines or Iowa)	
67. Confinement/quarantine location:		54. Daytime or cellular phone number:	
68. Victim animal owner's name (Last, First M.I.):		55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>	
69. Residence address: (City and/or state if not Des Moines or Iowa)		56. Animal breed:	
70. Residence phone number:		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>	
71. Business or cellular phone number:		58. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
72. Reporting official: T Updegrave ARS I.D. No.		59. Animal color:	
73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
74. Copies made by:		61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>	
75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
76. Second reporting official: AK I.D. No.		63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:	
77. Supervisor approving report: I.D. No.		64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
78. Reviewed by: AK		65. Type and location of injury:	
79. Medical treatment:		66. Medical treatment:	
80. Confinement/quarantine location:		67. Confinement/quarantine location:	
81. Victim animal owner's name (Last, First M.I.):		68. Victim animal owner's name (Last, First M.I.):	
82. Residence address: (City and/or state if not Des Moines or Iowa)		69. Residence address: (City and/or state if not Des Moines or Iowa)	
83. Residence phone number:		70. Residence phone number:	
84. Business or cellular phone number:		71. Business or cellular phone number:	

2007 OCT 26 PM 7:43

